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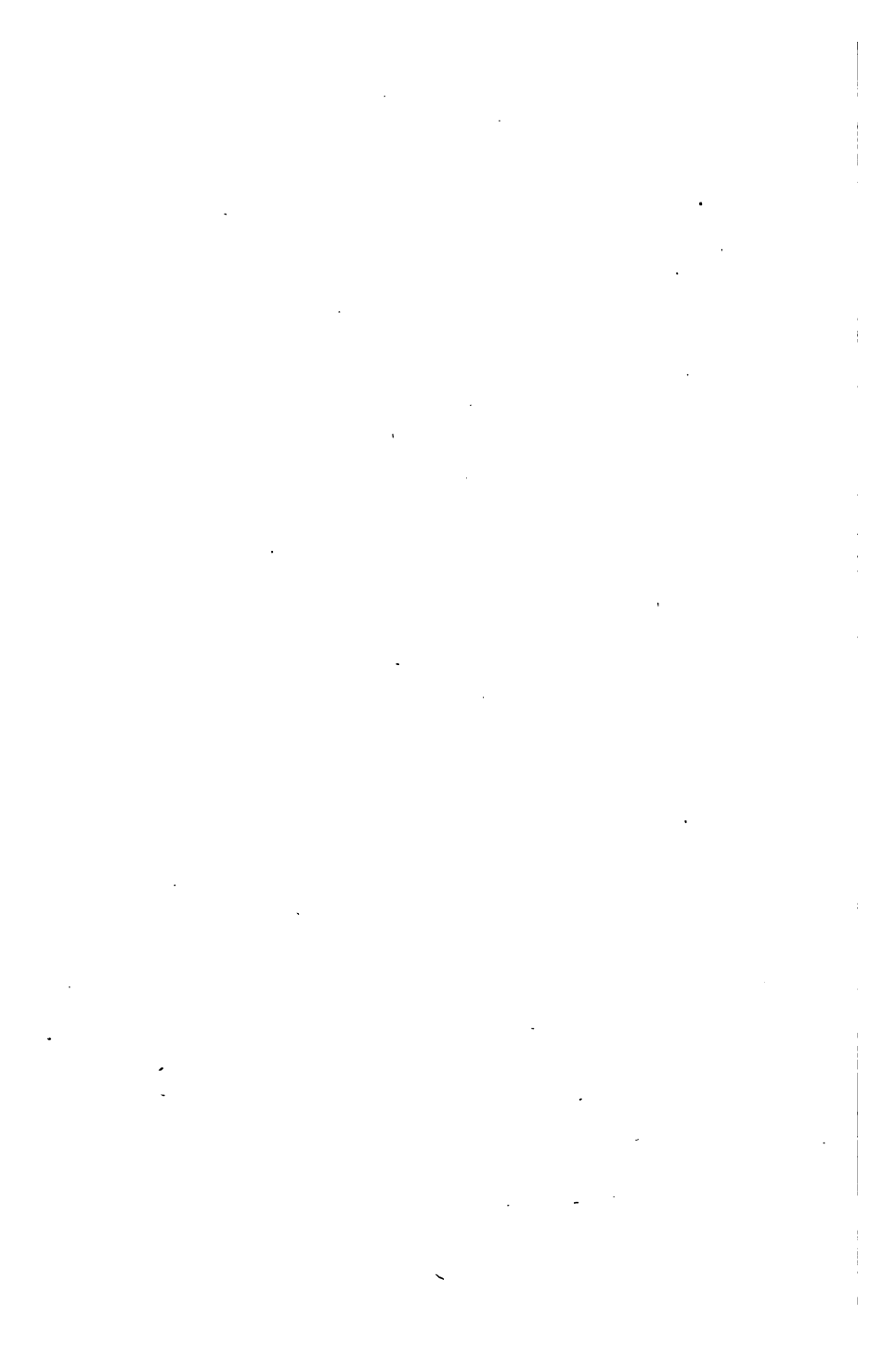
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(39 AND 40 VICT., c. 79.)

*WITH INTRODUCTION, NOTES, AND INDEX.*

By HUGH OWEN, JUN.,  
OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW,  
AUTHOR OF "THE EDUCATION ACTS MANUAL" (TWELFTH EDITION), "THE SCHOOL BOARD  
ELECTION MANUAL," ETC.

AND  
AN APPENDIX  
CONTAINING THE REGULATIONS MADE BY THE EDUCATION DEPARTMENT AND  
LOCAL GOVERNMENT BOARD UNDER THE PROVISIONS OF THE ACT, THE  
ORDER IN COUNCIL, AND RECOMMENDATIONS OF SECRETARY OF STATE  
AS TO CERTIFIED DAY INDUSTRIAL SCHOOLS, ETC.

THIRD EDITION.



London:  
KNIGHT & CO., 90, FLEET STREET.  
1877.

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## PREFACE TO FIRST EDITION.

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As the Elementary Education Act, 1876, constitutes new Local Authorities for securing the education of children in districts not under the jurisdiction of School Boards, and its provisions are to a great extent distinct from those contained in the Education Acts of 1870 and 1873, I have considered it desirable to issue this edition of the Act in a separate form, embodying in the notes those sections of the previous Acts which are referred to in the statute.

In order to afford the means of readily obtaining a general knowledge of the provisions of the Act, a digest of the several clauses is given in the Introduction, and to the text of the statute notes are appended which it is hoped may be of some service to the members of Boards of Guardians, Town Councils, and Sanitary Authorities, as well as School Boards, on whom new and important duties will devolve in connection with public elementary education.

For convenience of reference the provisions of the Factory Acts, with respect to the attendance of children at school, certain regulations of the Education Department and specimen byelaws are included in an Appendix.

HUGH OWEN, JUN.

1, PUMP COURT, TEMPLE,  
*September, 1876.*

## PREFACE TO THIRD EDITION.

---

WITHIN the last three months the Education Department have made Regulations under the Elementary Education Act of 1876, prescribing the conditions on which elementary schools will be recognised as certified efficient schools, and also as to certificates of age, school attendance and proficiency, and as to the payment of school fees for children holding honour certificates. The Local Government Board have issued orders under the Act with regard to certificates of births, the payment of school fees for non-pauper children, and the proceedings of School Attendance Committees appointed by Guardians. An Order in Council has been made with regard to certified day industrial schools, and this order has been supplemented by a minute of the Secretary of State for the Home Department as to payments out of the Parliamentary Grant in respect of these Schools. This departmental legislation affects to a considerable extent the working of the Act, and a new edition of this little work has consequently become necessary. The several orders and regulations referred to are included in the present volume, and considerable additions have been made to the notes on the Statute. The favour with which the previous editions have been received is gratefully acknowledged.

HUGH OWEN, JUN.

1, PUMP COURT, TEMPLE,  
*May, 1877.*



# CONTENTS.

---

## INTRODUCTION.

	<i>Page</i>
Commencement of Act . . . . .	1
Local Authorities . . . . .	1
Appointment of Local Committees . . . . .	2
Appointment of Officers . . . . .	3
Attendance at School . . . . .	3
<i>Direct Compulsion</i> . . . . .	3
<i>Byelaws</i> . . . . .	3
<i>School Attendance Orders</i> . . . . .	6
<i>Indirect Compulsion</i> . . . . .	8
<i>Restrictions of Employment of Children</i> . . . . .	8
<i>School Attendance Condition of Out Relief</i> . . . . .	11
Returns to Local Authorities of Births and Deaths . . . . .	12
Industrial Schools . . . . .	12
Payment of School Fees by Guardians . . . . .	14
Expenses of Local Authorities and Guardians . . . . .	14
Miscellaneous Duties of Local Authorities . . . . .	16
Default of Local Authority . . . . .	16
Provisions as to School Boards . . . . .	17
Parliamentary Grants to Schools . . . . .	17

## THE ELEMENTARY EDUCATION ACT, 1876.

Preliminary . . . . .	19
-----------------------	----

### PART I.

Law as to Employment and Education of Children . . . . .	20
Industrial Schools . . . . .	41

	<i>Page</i>
Day Industrial Schools . . . . .	48
Parliamentary Grant . . . . .	49
Byelaws . . . . .	52
Administrative Provisions . . . . .	56
Legal Proceedings . . . . .	71
Miscellaneous . . . . .	75

## PART II.

Application of the Act to Scotland . . . . .	90
Schedules . . . . .	91

## APPENDIX.

Factory and Workshop Acts . . . . .	101
Rules of Education Department respecting Certified Efficient Schools	113
Regulations of Education Department as to Certificates of Age, School Attendance and Proficiency, and as to payment of School Fees for Children holding Honour Certificates . . . . .	122
Form of Byelaws issued by Education Department . . . . .	130
Regulations of Education Department as to passing resolutions for applications for School Boards . . . . .	134
Standards prescribed by New Code . . . . .	141
Order of Local Government Board as to Certificates of Birth . . . . .	143
Order of Local Government Board as to payment of School Fees of non-pauper Children . . . . .	145
Order of Local Government Board as to School Attendance Com- mittees . . . . .	163
Order in Council as to Certified Day Industrial Schools . . . . .	170
Recommendations of Secretary of State as to Parliamentary Grant to Certified Day Industrial Schools. . . . .	209
INDEX . . . . .	217

## INTRODUCTION.

THE ELEMENTARY EDUCATION ACT, 1876, except as expressly provided, came into operation on the 1st of January, 1877, and the following statement gives a résumé of its provisions:—

### LOCAL AUTHORITIES.

The local authorities for the purposes of the Act are the School Boards in districts for which School Boards have been elected, and in other districts School Attendance Committees.

In a borough not under the jurisdiction of a School Board the School Attendance Committee are to be elected by the council of the borough, and in a parish not included in a School Board district or a borough, the committee are to be elected by the guardians of the union in which the parish is comprised.

These committees will be appointed annually, and are to consist of not less than six nor more than twelve members of the council or board of guardians by which the committee are appointed. In the case, however, of a committee appointed by guardians, it is required that one-third at least of the members shall, when the circumstances admit of it, be ex-officio guardians (sec. 7).

To these rules as to the School Attendance Committees there are two exceptions applying to urban sanitary districts which are not and do not comprise boroughs.

In the case of any such urban sanitary district, which is co-extensive with any parish or parishes not within the jurisdiction of a School Board, and which contains a population according to the last census of not less than 5,000 persons, the Education Department, on the application of the sanitary

authority of the district, may empower such authority to appoint a School Attendance Committee in like manner as if they were a council of a borough, and a committee so appointed by the sanitary authority will be the local authority for the purposes of the Act, to the exclusion of the School Attendance Committee appointed by the guardians.

The second exception refers to the case of an urban sanitary district which is not and does not comprise a borough, and which is not wholly within the jurisdiction of a School Board, and does not satisfy the conditions necessary to enable the sanitary authority under the foregoing provision to appoint a separate School Attendance Committee for the district. In such cases the sanitary authority may appoint such number of members of the authority, not exceeding three, as the Education Department may allow, to be members of the School Attendance Committee for the union in which the district or the part of the district, which is not within the jurisdiction of a School Board, is situate; and the members thus appointed by the sanitary authority will be entitled to continue in office so long as they are members of the sanitary authority, and their appointment is not revoked by that authority, and to act in like manner as if they were appointed by the guardians (sec. 38).

The council or guardians, subject to the limitation of the number of members prescribed by the Act, will be empowered from time to time to add to or diminish the number of members of a School Attendance Committee appointed by them.

A School Attendance Committee appointed by guardians will act for every parish in the union which is not for the time being under any other "local authority" within the meaning of the Act (sec. 32).

#### APPOINTMENT OF LOCAL COMMITTEES BY SCHOOL ATTENDANCE COMMITTEES.

With the view of enabling the School Attendance Committees to obtain aid and information in the execution of the Act, these committees are empowered, if they think fit, to appoint "local committees" for different parishes or other areas in their district. A local committee may

consist of not less than three persons, either wholly members of the council, board of guardians, or authority by whom the committee are appointed, or partly of such members and partly of other persons (sec. 82).

#### APPOINTMENT OF OFFICERS.

The local authority are to direct one or more of their officers, or the officers of the council or the guardians by whom the committee were appointed, to act in the execution of the Act and of any byelaws in force within the jurisdiction of the authority, and they may, if they think fit, pay him or them for so doing, or they may, when necessary, appoint and pay officers for the purpose. When, however, the local authority are a School Attendance Committee appointed by the council of a borough, they are not to appoint, employ, or pay an officer without the consent of the council, and when the committee are appointed by the guardians, not only the consent of the guardians, but also that of the Local Government Board, is to be obtained to any such appointment or payment (secs. 28, 31).

In the case of a School Attendance Committee appointed by guardians, the clerk to the guardians is to act as the clerk to the committee (sec. 34).

#### ATTENDANCE AT SCHOOL.

The statute declares that it shall be the duty of the parent of every child to cause such child to receive efficient elementary instruction in reading, writing, and arithmetic, and the Act contemplates that the attendance of children at school should be secured by direct or indirect compulsion. On the local authorities constituted by the Act will devolve the enforcement of the provisions for this purpose. The direct compulsion will be by byelaws and school attendance orders.

#### *Direct Compulsion.—Byelaws.*

With regard to byelaws, it will be remembered that by the Education Act, 1870, School Boards were empowered, with the approval of the Education Department, to make

byelaws for all or any of the following purposes: (1) Requiring the parents of children of such age, not less than five years, nor more than thirteen years, as may be fixed by the byelaws, to cause such children (unless there is some reasonable excuse) to attend school; (2) determining the time during which children are so to attend school, provided that no such byelaw shall prevent the withdrawal of any child from any religious observance or instruction in religious subjects, or shall require any child to attend school on any day exclusively set apart for religious observance by the religious body to which his parent belongs, or shall be contrary to anything contained in any Act for regulating the education of children employed in labour; and (3) imposing penalties for the breach of any byelaws subject to the condition that no penalty for the breach of a byelaw with the costs shall exceed such sum as with the costs will amount to five shillings.

There is a further proviso that a byelaw requiring a child between ten and thirteen years of age to attend school shall provide for the total or partial exemption of such child from the obligation to attend school, if one of Her Majesty's inspectors certifies that the child has reached a standard of education specified in the byelaw. For the purposes of the Act the following reasons are to be deemed a "reasonable excuse" for the non-attendance of a child at school: (1) That the child is under efficient instruction in some other manner. (2) That the child has been prevented from attending school by sickness or any unavoidable cause. (3) That there is no public elementary school open which the child can attend within such distance, not exceeding three miles, measured according to the nearest road, from the residence of the child, as the byelaws may prescribe.

Byelaws made by a School Board under this Act are to be sanctioned by an order in council, and when thus sanctioned they come into operation and have effect as if they were statutory enactments.

The power of making byelaws for enforcing the attendance of children at school was limited by the Act referred to to School Boards, but by the present Act the necessary authority for this purpose is given, subject to certain con-

ditions, to the School Attendance Committees in districts not within the jurisdiction of School Boards.

When the School Attendance Committee are appointed by the council of a borough or the sanitary authority of an urban sanitary district, the committee may make byelaws for the attendance of children at school in like manner as a School Board, "if they think fit," and it is therefore optional with them whether or not they will do so.

In the case of a parish under the jurisdiction of a School Attendance Committee appointed by the guardians, the ratepayers may, by a resolution passed in the same manner and subject to the same regulations as a resolution for an application to the Education Department for a School Board, request the School Attendance Committee to make byelaws as to school attendance, and on such requisition it will be the duty of the committee to make byelaws accordingly. The ratepayers of the parish may also by a similar resolution specify the nature of the byelaws which are desired by them, and in that case the School Attendance Committee and the Education Department, in making and approving the byelaws, are to consider and have due regard to such representations. In the absence of a requisition from the ratepayers, the School Attendance Committee will have no authority to make byelaws, although they may be satisfied that it is desirable that byelaws should be made (secs. 21—23).

It will be observed that School Boards and School Attendance Committees alone will be empowered to make byelaws, and that consequently a local committee appointed by a School Attendance Committee will have no authority in the matter.

When byelaws have been made, it will be the duty of the School Board or School Attendance Committee, as the case may be, to enforce them. No legal proceedings for non-attendance or irregular attendance at school are, however, to be commenced by a person appointed to carry out the byelaws, except by the direction of not less than two members of the School Board or School Attendance Committee (secs. 23, 38).

The byelaws made previously to the date when the Act came into operation, or subsequently, if otherwise valid,

will not be rendered invalid by reason of their being more stringent than the provisions of this Act; and when any act, neglect, or default is punishable under this Act, and also under a byelaw for the time being in force, the proceedings may be instituted either under the Act or the byelaw, so that proceedings be instituted under one enactment or byelaw only in respect of the same offence (sec. 50).

When byelaws made by a School Attendance Committee have been approved by the Education Department, and confirmed by an order in council, they will continue in force even if a School Board be appointed, except so far as they may subsequently be revoked or altered (secs. 88, 86). The same rule will apply in cases where the School Attendance Committee appointed by the guardians have made byelaws for a parish, and a School Attendance Committee are subsequently appointed for the parish by an urban sanitary authority (sec. 88).

*Direct Compulsion.—School Attendance Orders.*

In any case in which the parent of a child between the ages of five and fourteen years, who under this Act is prohibited from being taken into full time employment (see p. 8), habitually and without "reasonable excuse" neglects to provide efficient elementary education for the child, and in any case in which a child within the limits of the age referred to is found habitually wandering, or not under proper control, or in the company of rogues, vagabonds, disorderly persons, or reputed criminals, it will be the duty of the local authority, *i.e.*, the School Board or the School Attendance Committee, as the case may be, after due warning to the parent, to complain to a Court of Summary Jurisdiction. The court, if satisfied of the truth of the complaint, will be empowered to make an order termed an "attendance order," requiring that the child shall attend such "certified efficient school" willing to receive him as the parent may select, and in the event of the parent not making a selection, such public elementary school as the court may think expedient. The school which the child is to attend is to be named in the order, and the child is to attend such school every time that it is open, or in such other regular manner as the order may specify.



It will be observed that the court may direct that the child shall attend some "certified efficient school." This term includes not only a public elementary school, but any elementary school which is not conducted for private profit, provided the following conditions are fulfilled: (1) That it is open at all reasonable times to the inspection of Her Majesty's Inspector of Schools; (2) that like attendance as in a public elementary school is required of the scholars; (3) that such registers of attendance as are from time to time prescribed by the Education Department are duly kept; and (4) that it is certified by the Education Department to be an efficient school.

For the purpose of this section the following reasons are to be deemed a "reasonable excuse:" (1) That there is not within two miles, measured according to the nearest road, from the residence of the child any public elementary school open which the child can attend, or (2) that the absence of the child from school has been caused by sickness or any unavoidable cause (sec. 11).

When an attendance order is not complied with, and there is no "reasonable excuse" for the non-attendance of the child at school, the local authority may make complaint to a Court of Summary Jurisdiction. In a first case of non-compliance, if the parent fails to satisfy the court that he has used all reasonable efforts to ensure the child's attendance at school in accordance with the order, a penalty may be imposed, but the penalty, with the costs, is not to exceed five shillings. If, however, the parent satisfies the court that all reasonable efforts have been made by him to enforce compliance with the order, the court may, without inflicting a penalty, order the child to be sent to a "certified day industrial school" (see p. 12), or if it appears that there is no such school suitable for the child, then to a certified industrial school.

In the second or any subsequent case of non-compliance with an attendance order, the court may order the child to be sent to a certified day industrial school, or, where there is no suitable school of that character, to a certified industrial school, and, in addition, impose a penalty on the parent, subject to the limit as to amount above referred to; or if

they think fit they may for each case of non-compliance inflict this penalty without ordering the child to be sent to an industrial school.

A complaint under this section with respect to a continuing non-compliance with an attendance order is not, however, to be repeated by the local authority at any less interval than two weeks.

Children sent to certified industrial schools or certified day industrial schools under this enactment are to be sent in like manner as if they were sent under the Industrial Schools Acts, and they are to be deemed to be sent in pursuance of those Acts.

The parent of a child sent to an industrial school or certified day industrial school will, therefore, be liable to contribute to the cost of the maintenance and training of the child, as in cases under the Industrial Schools Acts (sec. 12). With regard to other provisions as to the contributions of parents, see p. 18.

Indirect compulsion as regards attendance at school is proposed to be secured by imposing restrictions on the employment of children, except when they have attained a certain standard of proficiency in reading, writing, and arithmetic, or have obtained a certificate of previous due attendance at school, and also by making the attendance at school of the children of paupers a condition of relief being given out of the workhouse.

*Indirect compulsion.—Restrictions of employment of children.*

Between the 1st January and 31st December, 1877, no person is to take into his employment any child who is under the age of nine years, or any child between the ages of nine and fourteen years, who has not obtained a certificate as prescribed by the Act of proficiency in reading, writing, and elementary arithmetic, or of previous due attendance at a certified efficient school (see schedule 1), unless the child is employed and is attending school in accordance with the provisions of the Factory Acts, or of a byelaw of a School Board or School Attendance Committee.

After the 1st January, 1878, this restriction as to the em-

ployment of children will be modified, and no person is to take into his employment a child under the age of ten years, or any child between the ages of ten and fourteen years, who has not obtained a certificate of proficiency or of due attendance at a public elementary school, as above referred to, unless the child is employed and attending school in accordance with the Factory Acts or of a byelaw (sec. 5).

These provisions do not, however, apply to any child who attained the age of eleven years before the 1st January, 1877, and a child lawfully employed at the date of the passing of the Act (15th August, 1876) may continue to be employed, or may obtain fresh employment at another place in the same manner as if the Act had not passed (sec. 51).

There are certain other exceptions to the provisions above referred to. A person is not to be deemed to have taken a child into employment within the meaning of the Act if it is proved, (1) that during the employment there is not within two miles, measured according to the nearest road, from the residence of the child, any public elementary school open which the child can attend; (2) that the employment, by reason of being during the school holidays, or during hours when the school is not open or otherwise, does not interfere with the efficient elementary instruction of the child, and that the child obtains such instruction by regular attendance for full time at a certified efficient school, or in some other equally efficient manner; (3) that the employment is exempted by a notice of the School Board or School Attendance Committee, as the case may be. The exemption by the local authority thus provided for may apply to the employment of children above the age of eight years for the necessary operations of husbandry and the ingathering of crops for a certain period to be specified in the notice. The period or periods so named by the local authority are not to exceed, in the whole, six weeks between the 1st of January and the 31st of December in any year. Copies of any notices under this provision are to be sent to the Education Department, and to the overseers of each parish within the jurisdiction of the local authority, and the overseers are to cause copies to be affixed on the church and chapel doors (sec. 9).

The employment of a child by his parent will be an "employment" within the terms of the Act if the employment is in any labour exercised by way of trade or for the purposes of gain (sec. 47).

If there is reasonable cause to believe that a child is employed in any place in contravention of the Act, a justice of the peace may make an order empowering an officer of the local authority to enter the place at any reasonable time within forty-eight hours and examine the place and any person found therein, as to the employment of any child there. A person refusing admission to the officer, or obstructing him in the discharge of his duty, will for each offence be liable to a penalty not exceeding £20 (sec. 29).

A person who takes a child into his employment in contravention of the Act will be liable to a penalty not exceeding 40s. (sec. 6).

If the offence is committed by an agent or workman of an employer, he will be liable to a penalty as if he were the employer.

If a child is taken into employment in contravention of the Act, on the production by the parent of a false or forged certificate, or on a false representation by the parent that the child is of an age at which he could be lawfully employed, the parent will be liable to a penalty not exceeding 40s.

If an employer charged with taking a child into his employment in contravention of the Act proves that he has used due diligence to enforce the observance of its provisions, and either that the child has been employed without his knowledge or consent by some agent or workman, or that the child has been employed on the production of a false or forged certificate, or on a false representation by the parent as to the age of the child, under the belief, in good faith, in the genuineness and truth of the certificate or representation, the employer will be exempt from the penalty.

In the case of an employer satisfying the local authority, inspector, or other person about to institute a prosecution that he is exempt under this section, and giving all facilities in his power for proceeding against the guilty person, the proceedings are to be instituted against such person and not against the employer (sec. 39).

## ATTENDANCE AT SCHOOL A CONDITION OF OUT-RELIEF. 11

Certain provisions of the Factory Acts, 1844 and 1874, are made applicable to the employment and education of all children employed in factories subject to the Factory Acts, 1833 to 1871, and not subject to the Factory Act, 1874, and in workshops subject to the Workshop Acts, 1867 to 1871, with the exception that sec. 12 of the Factory Act, 1874, is not to apply to a child so employed, who on the 1st of January, 1877, had attained the age of eleven years (sec. 8).

The provisions of the Act as to the employment of children are to be enforced by the School Boards and School Attendance Committees, except as regards children employed in factories, workshops, and mines. In these cases the duty will devolve on the inspectors and sub-inspectors appointed by the Secretary of State, but the local authorities are to assist them by information or otherwise (sec. 7).

Nothing in this Act is to prejudice the effect of any provision relating to the employment of children contained in any previous statute which may be more stringent in its provisions (sec. 50).

### *Indirect Compulsion.—Attendance of children at school a condition of out-door relief.*

The Education Act of 1878 contained a provision which in certain cases rendered the attendance of children at school a necessary condition of relief out of the workhouse being granted by the guardians. The enactment in that statute is repealed, and a new clause (sec. 40) is introduced, with the view of adapting the section to the provisions of this Act. Where relief out of the workhouse is given by the guardians or their order, by way of weekly or other continuing allowance to the parent of a child, between the ages of five and fourteen years, or to any such child, it will be a condition for the continuance of the relief that elementary education in reading, writing, and arithmetic shall be provided for the child, if the child has not reached the standard in reading, writing, and arithmetic prescribed by Standard Three of the Code of 1876, or under this Act is prohibited from being taken into full time employment, or by the by-laws in force in the district is required to attend school. The guardians are to give such further relief (if any) as may

be necessary to enable a child to attend school in pursuance of this section ; but it is not to be a condition of the relief that the child shall attend any public elementary school other than that which is selected by the parent, nor is the relief to be refused because the child attends or does not attend any particular public elementary school. The guardians are not, however, to give any relief to a parent in order to enable him to pay more than the ordinary fee payable at the school which he selects, and in no case is the fee to exceed three-pence per week.

#### RETURNS TO LOCAL AUTHORITIES OF BIRTHS AND DEATHS.

It is essential, having regard to the provisions of the Act, that facilities should be furnished for obtaining information as to the ages of children, and sec. 25 accordingly provides for a copy of the entry in the register with respect to any birth being furnished by the registrar on a requisition in a form to be prescribed by the Local Government Board, and on payment of such fee, not exceeding one shilling, as may be fixed by that Board (sec. 25). The fee to be paid has been fixed by the Local Government Board at sixpence. Provision is also made for arrangements under which the registrar will furnish the local authority with returns of the births and deaths registered by him (sec. 26).

#### INDUSTRIAL SCHOOLS.

The Act provides for the establishment of a new class of industrial schools, termed "day industrial schools," in which industrial training, elementary education, and one or more meals a day, but not lodging, will be provided for the children. A school for this purpose, when certified by the Secretary of State, will become a "certified day industrial school," and prison authorities and School Boards will have the same powers as regards establishing, building, and maintaining or contributing towards the cost of a day industrial school as they have in the case of an industrial school. Grants for such schools may also be made out of moneys provided by parliament, not exceeding one shilling per head per week for each child sent to the school by an order of a court other than an attendance order (see p. 6).

When a School Board or School Attendance Committee are informed by any person of a child within their jurisdiction liable to be sent to an industrial school, it will be their duty to take proceedings for that purpose, unless they think it inexpedient to do so (sec. 18). But a child who under the Industrial Schools Acts might be sent to a certified industrial school may, if the court deem it desirable, be sent to a certified day industrial school. Children sent to a certified day industrial school may be detained there during such hours as may be authorised by the rules of the school approved by the Secretary of State (sec. 16).

When a Court of Summary Jurisdiction orders, otherwise than by an attendance order, a child to be sent to a certified day industrial school, the parent of the child, if liable to maintain him, may be ordered to contribute a sum not exceeding two shillings per week. It will be the duty of the local authority to obtain and enforce the order, and any sums received under it are to be applied in aid of their expenses. If the parent is unable to pay the sum required by the order, he is to apply to the guardians having jurisdiction in the parish in which he resides, and the guardians, if satisfied of his inability, are to give him sufficient relief to pay the sum, or such part as they may consider him unable to pay.

If a local authority and the parent of a child so request, and the parent undertakes to pay such sum, not less than one shilling a week, as the Secretary of State may fix, the managers of a certified day industrial school may receive the child into the school under an attendance order, or without an order of a court. In such case a sum not exceeding sixpence a week may be contributed out of moneys provided by parliament (sec. 16).

When a child is sent to a certified industrial school, upon the complaint of a local authority, a license may be given by the managers at the expiration of one month after the child is received by them for the child to live out of the school, on the condition that he attends as a day scholar some certified efficient school in such regular manner as is specified in the license (sec. 14).

Where a School Board propose to establish, build, or maintain a certified industrial school, or a certified day in-

dustrial school, the consent of the Secretary of State and not that of the Education Department will be necessary. The like consent will be required to the borrowing by a School Board for the purpose (sec. 15.)

#### PAYMENT OF SCHOOL FEES BY GUARDIANS.

School Boards were empowered by sec. 25 of the Education Act of 1870 to pay the school fees of children when the parents were unable through poverty to do so ; but this section is repealed by the present Act. When a parent, not being a pauper, by reason of poverty is unable to pay the ordinary fee for his child at a public elementary school, he is to apply to the guardians having jurisdiction in the parish in which he resides, and the guardians, if satisfied of his inability, are to pay the fee not exceeding threepence a week, or such part as the parent in the opinion of the guardians is unable to pay. The parent is not in any way to be controlled by the guardians in his selection of the public elementary school which his child shall attend, and the payment of the school fee by the guardians is not to deprive him of any franchise or right, or subject him to any disability or disqualification (sec. 10.)

The provisions as to the payment of the school fees in the case of pauper children have already been referred to (p. 11).

With regard to the offence of fraudulently obtaining the remission or payment of school fees, see sec. 37.

#### EXPENSES OF LOCAL AUTHORITIES AND GUARDIANS.

The expenses incurred by a School Board under this Act will be defrayed in like manner as their expenses under the Education Acts, 1870, 1878 (sec. 30).

School Attendance Committees are not to incur expenses without the consent of the authority by whom they are appointed. The expenses incurred with that consent are to be defrayed as follows :—

In the case of a School Attendance Committee appointed by the council of a borough, the expenses are to be paid out of the borough fund or borough rate (sec. 31).

When the committee are appointed by an urban sanitary



authority, the expenses are to be paid out of a fund to be raised out of the poor rate of the parish or parishes comprised in the district, according to the rateable value of each parish. The urban sanitary authority for the purpose of obtaining payment of such expenses are to have the same power as a board of guardians have for obtaining contributions to their common fund under the Poor Law Acts (sec. 38).

In the case of a committee appointed by a board of guardians, the expenses are to be defrayed out of a fund raised out of the poor rate of the parishes in which the committee act, according to the rateable value of each parish, and for obtaining payment of these expenses the guardians will have the same powers as they have for obtaining contributions to the common fund of the union.

The moneys given by boards of guardians for the payment of school fees for the children of parents who are not paupers are however to be charged to the parish in which the parent is resident, in like manner as other parochial charges (sec. 35). The same mode of charging is to be adopted in any case in which the guardians give a parent relief to enable him to pay the amount required in respect of a child sent to a certified day industrial school (sec. 16).

Relief given by the guardians for the attendance at school of pauper children under sec. 40 will be paid out of the common fund of the union. In the metropolis the relief thus given will be repayable from the Metropolitan Common Poor Fund.

When the School Board or the guardians require to raise expenses from part of a parish, as in the case of a parish partly within and partly without a borough, the overseers of the entire parish are to be deemed to be the overseers of the part of the parish, and a rate in the nature of a poor rate may be levied in such part by the overseers, either as a separate rate or as an addition to the poor rate. The guardians will have the like power of obtaining payment of a contribution from part of a parish as they have in the case of a whole parish (sec. 49).

There is a further provision to the effect that when expenses are incurred by the officers of guardians in carrying

into effect sec. 20 of the Education Act of 1870, with regard to the publication of notices, such expenses may be charged to the parish in respect of which they are incurred (sec. 84).

#### MISCELLANEOUS DUTIES OF LOCAL AUTHORITIES.

It will devolve on the local authority to publish the provisions of this Act within their jurisdiction in such manner as they think best calculated for making the provisions known (sec. 7).

It will also be their duty to report to the Education Department any infraction of the provisions of sec. 7 of the Education Act, 1870 (the conscience clause), which may come to their knowledge (sec. 7).

The local authority will further be required to furnish the Education Department with such returns and information as to their proceedings under the Act as may from time to time be called for by the department (sec. 43).

#### DEFAULT OF LOCAL AUTHORITY.

If a School Board or School Attendance Committee fail to fulfil their duties under the Act, the Education Department, by sec. 27, have vested in them ample powers for dealing with the default.

In the case of a School Board, the Education Department may proceed as if the Board had made default under the Education Act, 1870.

In the case of a School Attendance Committee, the department may, by order, appoint persons for a specified period, not exceeding two years, to perform the duty of the committee. During such period the persons appointed by the department are to take the place of the defaulting committee; they are to be invested with all the powers of the committee, and are not to be subject to any control by the council or guardians by whom the committee were appointed. When the period for which persons have been appointed by the Education Department expires, a School Attendance Committee are forthwith to be appointed by the council or the guardians, as the case may be, and such committee will resume the duties of the local authority under the Act, sub-

ject, if necessary, to further proceedings under this section in the event of a new default.

The Education Department may assign remuneration to the persons appointed by them to take the place of a defaulting committee, and such remuneration and the expenses incurred by them in the discharge of their duties, to such amount as may be certified by the Education Department to be due, will be a debt to Her Majesty, and will be recoverable accordingly from the council or the guardians (sec. 27).

#### PROVISIONS AS TO SCHOOL BOARDS.

The powers of a School Board as a local authority have been already noticed, but there are two or three other provisions to which it is necessary to refer.

The first is as to casual vacancies occasioned by the death, resignation, or disqualification of members of School Boards. The heavy expense which has been entailed by the elections for filling up these vacancies will in future be avoided. Casual vacancies may now, instead of being filled up by elections by the burgesses in the case of a borough, or by the ratepayers in the case of a parish, be filled up "by the remaining members of the School Board, if a quorum, at a special meeting of the Board called for the purpose" (sec. 44, sched. 3).

Sec. 42 contains a provision for meeting the difficulty which has arisen with regard to the provision of offices by School Boards. This section enables a School Board, when they satisfy the Education Department that it is proper, having regard to the large population of the district, that an office should be provided, to acquire or erect the necessary buildings, and to obtain a loan for the purpose.

Another provision is that contained in sec. 41, which enables the Education Department under certain circumstances to dissolve a School Board, and to make provision with regard to the property and liabilities of the Board.

#### PARLIAMENTARY GRANT.

The only other provisions to which it is necessary to

allude are those with regard to the parliamentary grant to schools.

In the first place, it is provided that when, during the first five years after the 1st January, 1877, a child before he attains the age of eleven years obtains a certain certificate of proficiency in reading, writing, and arithmetic, and also of previous due attendance at a public elementary school, the school fee payable by the child at a public elementary school in the course of the three years next after he obtains the last of such certificates, not exceeding the ordinary fee charged at the school, may be paid by the Education Department out of moneys provided by parliament (sec. 18).

Then there is a modification of the provision in sec. 97 of the Education Act, 1870, as to the conditions of the annual parliamentary grant. After the 31st March, 1877, the grant is not in any year to be reduced by reason of its excess above the income of the school, if it does not exceed the sum of seventeen shillings and sixpence per child in average attendance at the school during the year; but it is not to exceed that amount per child except by the same sum by which the income of the school derived from voluntary contributions, rates, school fees, endowments, and any source whatever other than the parliamentary grant exceeds that amount per child.

There is also a provision for special grants in addition to the ordinary annual parliamentary grant, in cases where the population of the school district in which a school is situate, or the population within two miles, measured according to the nearest road, from the school, is less than 300, and there is no other public elementary school recognised by the Education Department as available for the children of that district, or that population, as the case may be. Under such circumstances a special parliamentary grant may be made annually to the school to the amount, if the population exceeds 200, of £10, and if it does not exceed 200, of £15 (sec. 19).

The conditions required to be fulfilled by schools in order to obtain annual parliamentary grants are to provide that the income of the schools shall be applied only for the purpose of public elementary schools (sec. 20).

# THE ELEMENTARY EDUCATION ACT, 1876.

[39 & 40 VICT., CAP. 79.]

AN Act to make further provision for Elementary Education.

[15 August, 1876.]

Whereas it is expedient to make further provision for the education of children, and for securing the fulfilment of parental responsibility in relation thereto, and otherwise to amend and to extend the Elementary Education Acts.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## PRELIMINARY.

### *Short Title.*

1. This Act may be cited as the "Elementary Education Act, 1876."

### *Extent of Act.*

2. This Act shall not, save as otherwise expressly provided, apply to Scotland or Ireland.

By sec. 53 it is provided that the provisions in this Act with respect to the conditions to be fulfilled by schools in order to obtain an annual parliamentary grant shall apply to Scotland.

### *Commencement of Act.*

3. This Act shall, save as otherwise expressly pro-

vided, come into operation on the first day of January one thousand eight hundred and seventy-seven (which day is in this Act referred to as the commencement of this Act).

The only provision which came into operation immediately is that contained in sec. 44, with regard to elections to fill casual vacancies in School Boards.

## PART I.

### LAW AS TO EMPLOYMENT AND EDUCATION OF CHILDREN.

#### *Declaration of duty of parent to educate child.*

4. It shall be the duty of the parent of every child to cause such child to receive efficient elementary instruction in reading, writing, and arithmetic, and if such parent fail to perform such duty, he shall be liable to such orders and penalties as are provided by this Act.

Under the Education Act of 1870 a School Board may make bye-laws requiring the parents of children of such age, *not less than five years nor more than thirteen years*, as may be fixed by the bye-laws, to cause such children, unless there is some reasonable excuse, to attend school; but previously to the passing of the present Act there was no express statutory declaration as to the duty of a parent to cause his child to receive efficient elementary instruction. The word "child" is defined by sec. 48 as meaning a child *between the ages of five and fourteen years*.

Terms in this Act are, so far as is consistent with the tenor thereof, to have the same meaning as in the Elementary Education Acts, 1870 and 1873. The term "parent," therefore, "includes guardian and every person who is liable to maintain or has the actual custody of any child." This definition includes the father and grandfather, and the mother and grandmother of a child, as by the 43 Eliz. c. 2, sec. 7, they are liable to maintain the child.

For provisions as to orders and penalties see sections 11, 12, & 37.

#### *Regulation as to employment of child under 10, and certificate of education or previous school attendance being condition of employment of child over 10.*

5. A person shall not, after the commencement of this Act, take into his employment (except as herein-after in this Act mentioned) any child—

- (1.) Who is under the age of ten years ; or
- (2.) Who, being of the age of ten years or upwards, has not obtained such certificate either of his proficiency in reading, writing, and elementary arithmetic, or of previous due attendance at a certified efficient school, as is in this Act in that behalf mentioned, unless such child, being of the age of ten years or upwards, is employed, and is attending school in accordance with the provisions of the Factory Acts, or of any byelaw of the local authority (hereinafter mentioned) made under section seventy-four of the Elementary Education Act, 1870, as amended by the Elementary Education Act, 1873, and this Act, and sanctioned by the Education Department.

The "commencement of this Act" is the 1st January, 1877.

It will be observed from section 51 that so far as regards the twelve months after the commencement of the Act (*i.e.*, the year ending the 31st December, 1877), this enactment is to be read as if the words, "the age of nine years," were substituted for the "age of ten years." A child who had attained the age of eleven years before the 1st of January, 1877, will not come within the operation of the section, and any child lawfully employed at the date of the passing of the Act (15th August, 1876) may continue to be employed or may obtain fresh employment at another place as if this Act had not passed.

Sec. 25 affords facilities for obtaining certified copies of the entries in the register of births for the purpose of this section. See also Regulations of the Education Department as to certificates of births in appendix, p. 123.

As to the standards of proficiency in reading, writing, and elementary arithmetic, and of previous due attendance at a certified efficient school, for certificates under this Act, see sec. 24 and rules 1, 2, & 3 in the first schedule. The Regulations which have been issued by the Education Department with reference to these certificates will be found in the appendix, pp. 123, 124.

The term "certified efficient school" is defined by sec. 48.

The term "Factory Acts" as defined by sec. 48 includes the Workshop Acts and any Acts for the time being in force regulating factories and workshops. It does not, however, include the Acts as to mines, and consequently it would appear that children attending school in accordance with the provisions of those Acts will not come within the exceptions provided for by this section. As to the provisions of the Factory and Workshop Acts, see secs. 8 and 50 and p. 101.

As to byelaws under sec. 74 of the Elementary Education Act, 1870, see secs. 21, 23, & 50.

The definition of the term "child" in sec. 48 limits the operation of this section to children under the age of fourteen years.

A parent who employs his child in any labour exercised by way of trade, or for the purposes of gain, is to be deemed for the purposes of this section to take the child into his employment (sec. 47).

The local authorities for enforcing the prohibitions as to the employment of children are provided for by secs. 7 & 33. As to penalties, see secs. 6, 9, 37, 39, 47, & 50.

Sec. 29 contains a provision with reference to the entry on premises for the purpose of ascertaining whether children are employed in contravention of the Act.

It is to be remembered in connection with this section that the byelaws of a School Board or other local authority as to school attendance will continue in force, notwithstanding they may be more stringent than this enactment. It would appear, therefore, that if a child who by the byelaws of the district is required to attend school goes to work instead of attending school, the parent may be proceeded against for a penalty for the breach of the byelaws, although under this section and section 6 the employer would not be liable to a penalty for the employment of the child.

### *Penalty for employing a child in contravention of Act.*

6. Every person who takes a child into his employment in contravention of this Act shall be liable, on summary conviction, to a penalty not exceeding forty shillings.

For provisions as to the prohibition of the employment of children and the authority by whom they are to be enforced, see secs. 5, 7, 9, 33, 39, 47, & 50, and as to legal proceedings for penalties, secs 37, 38, & 39.

As to enforcement of penalties, see secs. 9, 38, 39, 47, & 50.

### *Enforcement of Act by school board or school attendance committee of existing local authority or by inspectors of factories or mines.*

7. The provisions of this Act respecting the employment of children shall be enforced—

- (1.) In a school district within the jurisdiction of a school board, by that board; and
- (2.) In every other school district by a committee



(in this Act referred to as a school attendance committee) appointed annually, if it is a borough, by the council of the borough, and, if it is a parish, by the guardians of the union comprising such parish (1).

A school attendance committee under this section may consist of not less than six nor more than twelve members of the council or guardians appointing the committee, so, however, that, in the case of a committee appointed by guardians, one-third at least shall consist of ex-officio guardians, if there are any and sufficient ex-officio guardians (2).

Every such school board and school attendance committee (in this Act referred to as the local authority) shall, as soon as may be, publish the provisions of this Act within their jurisdiction in such manner as they think best calculated for making those provisions known (3).

Provided that it shall be the duty of the inspectors and sub-inspectors acting under the Acts regulating factories, workshops, and mines respectively, and not of the local authority, to enforce the observance by the employers of children in such factories, workshops, and mines of the provisions of this Act respecting the employment of children; but it shall be the duty of the local authority to assist the said inspectors and sub-inspectors in the performance of their duty by information and otherwise (4).

It shall be the duty of such local authority to report to the Education Department any infraction of the provisions of section seven of the Elementary Education Act, 1870, in any public elementary school within their district which may come to their knowledge, and also to forward to the Education Department any complaint which they may receive of the infraction of those provisions (5).

(1.) From this section it would appear that in every school district

not within the jurisdiction of a School Board, and not included in a borough, the School Attendance Committee are to be appointed by the guardians of the union comprising the parish, but it will be observed from section 33 that on the application of the sanitary authority of an urban sanitary district, which is not and does not comprise a borough, and which is co-extensive with any parish or parishes not within the jurisdiction of a School Board containing according to the last census a population of not less than 5,000, the Education Department may by order authorise the sanitary authority to appoint a School Attendance Committee, and thereupon the sanitary authority may appoint a School Attendance Committee as if they were the council of a borough. In several cases the Education Department have issued orders authorising the appointment of School Attendance Committees by urban sanitary authorities under the powers conferred by this section.

Terms in this Act are, so far as is consistent with the tenor thereof, to have the same meaning as in the Elementary Education Acts, 1870 and 1873, and consequently the word "borough" in this section applies only to the boroughs specified in schedules A and B of the Municipal Corporations Act of 1835 and the municipal boroughs which have been incorporated since the passing of that Act. The borough of Wenlock is not to be deemed a borough for the purposes of the Education Acts (see 37 & 38 Vict. c. 39).

The School Attendance Committee are to be appointed annually. A committee can only be appointed by the guardians at the first meeting after the annual election of guardians or some other meeting fixed with the approval of the Local Government Board for the purpose (schedule 2, rule 6).

As to the annual election of guardians in unions, see 14 and 15 Vict., c. 105, s. 2. That section provides that "the guardians elected for the several parishes in any union formed or to be formed under the Act 5 Wm. IV., c. 76, or for the several wards in any parish divided into wards, shall continue to act as such until the fifteenth day of April in each year, notwithstanding their successors may have been elected previously to that day, and from and after the said fifteenth day of April every guardian newly elected for any parish or ward shall act as such guardian for the ensuing year."

(2.) A School Attendance Committee must consist of members of the Town Council, or guardians of the union, as the case may be. The section does not preclude the guardians from appointing as members of the committee guardians of the union who represent parishes which are within the jurisdiction of a School Board or are included in a borough.

In a circular letter addressed to Town Councils the Education Department stated—My lords trust that in fixing the number of members within the prescribed limits, due regard will be paid not only to the population of the borough, but also to the novelty, variety, and importance of the duties devolving upon the committee. They suggest that in the first instance, at all events, the full number allowed by the Act should be appointed if the population of the borough

exceeds 25,000 souls. They have also suggested that the full number allowed by the statute should be appointed when the School Attendance Committees are appointed by guardians.

In the case of a committee appointed by guardians, if there is no ex-officio guardian the whole number must be chosen from the elected guardians. If there are ex-officio guardians, but not so many as a third of the total number of members as fixed by the guardians, the deficiency will be made up from the elected guardians. If there are ex-officio guardians who can be appointed to make up the proportion of one-third, it would seem that the guardians cannot fill up their places with elected guardians, even though the ex-officio guardians may be unwilling to act. If the guardians deem it desirable the ex-officio guardians may constitute more than one-third of the committee. An ex-officio guardian is a justice of the peace residing in any parish in the union and acting for the county, riding, or division in which the union or any part of it is situated.

A School Attendance Committee will continue in office until the first meeting of the council or guardians appointing them after the next annual election of councillors and guardians, and thereafter until the new committee are appointed (schedule 2, rule 5).

Casual vacancies in a School Attendance Committee may be filled up by the council or guardians, as the case may be (schedule 2, rule 4). But looking to the provision as to the appointment of ex-officio guardians, it would appear that where the vacancy is caused by an ex-officio guardian ceasing to hold office as a member of the committee, and the number of ex-officio guardians on the committee is thereby reduced to less than one-third of the total number of members, some other ex-officio guardian should, when practicable, be appointed to succeed him.

In certain cases which are provided for by sec. 33, the urban sanitary authority of a district which is not and does not comprise a borough, and is not wholly within the jurisdiction of a School Board, are to be empowered to appoint such number as the Education Department may allow, not exceeding three—of their own members—to be members of the School Attendance Committee of the union. It would appear that the fact that an urban sanitary authority are empowered to appoint members of that authority to act as members of the School Attendance Committee of the union will not interfere with the guardians appointing twelve members of the committee, if they deem it desirable to appoint the maximum number. The School Attendance Committee, therefore, will not necessarily be limited to twelve members, when persons are appointed by a sanitary authority to act on the committee.

When it is deemed desirable the Town Council or guardians, subject to the provisions in this section, may increase or diminish the number of members of a School Attendance Committee (sec. 32).

In the case of a School Attendance Committee appointed by the guardians, the clerk to the guardians will be the clerk of the committee (sec. 34). The committee will act for every parish in the

union which is not for the time being under any other local authority within the meaning of the Act (sec. 32).

Where a parish is situated partly within and partly without a borough, the part outside the borough is to be deemed a "parish" (33 & 34 Vict. c. 75, s. 77). See also 36 & 37 Vict. c. 86, s. 12, as to a part of a parish separated from the principal part of the parish.

As to the appointment of local committees by the School Attendance Committee, and the regulations as to the proceedings of committees, see sec. 32, and schedule 2.

(3.) The provisions of the Act, it will be observed, are to be published by the School Board or the School Attendance Committee, and not by the guardians. Placards for posting, setting forth the more important sections of the Act, and notices in leaflet form to parents and employers as to the provisions with regard to the attendance at school and the employment of children, have been prepared to enable School Boards and School Attendance Committees to comply with the requirements of this section, and are published by Messrs. Knight & Co., 90, Fleet Street, E.C.

(4.) The action of the inspectors and sub-inspectors under this section will only be to enforce the observance of the provisions of the Act as to the employment of children, in the case of children employed in factories, workshops, and mines; but a child who is so employed, although not contravening the provisions of the Act as to the employment of children, may be contravening the byelaws in force in the district by failing to attend school (see *Bury*, App. v., *Cherryholme*, Resp. L.R., 1 Ex. D. 457); and in such case the enforcement of the byelaws would under sec. 23 devolve on the School Board or other local authority by whom the byelaws were made.

(5.) In connection with this section the question arises, what is a "public elementary school."

Sec. 3 of the Elementary Education Act, 1870, provides that "the term 'elementary school' means a school or department of a school at which elementary education is the principal part of the education there given, and does not include any school or department of a school at which the ordinary payments in respect of the instruction, from each scholar, exceed ninepence a week."

A "public elementary school" is an "elementary school" conducted in accordance with the regulations prescribed by sec. 7 of the Elementary Education Act, 1870.

That Section provides as follows:—

"Every public elementary school shall be conducted in accordance with the following regulations (a copy of which regulations shall be conspicuously put up in every such school), namely:—

"(1.) It shall not be required, as a condition of any child being admitted into or continuing in the school, that he shall attend or abstain from attending any Sunday-school or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere, from which observance or instruction he may be withdrawn by his parent, or that

he shall, if withdrawn by his parent, attend the school on any day exclusively set apart for religious observance by the religious body to which his parent belongs :

“(2.) The time or times during which any religious observance is practised or instruction in religious subjects is given at any meeting of the school shall be either at the beginning or at the end, or at the beginning and the end, of such meeting, and shall be inserted in a time-table to be approved by the Education Department, and to be kept permanently and conspicuously affixed in every schoolroom ; and any scholar may be withdrawn by his parent from such observance or instruction without forfeiting any of the other benefits of the school :

“(3.) The school shall be open at all times to the inspection of any of Her Majesty's inspectors, so, however, that it shall be no part of the duties of such inspector to inquire into any instruction in religious subjects given at such school, or to examine any scholar therein in religious knowledge or in any religious subject or book :

“(4.) The school shall be conducted in accordance with the conditions required to be fulfilled by an elementary school in order to obtain an annual Parliamentary Grant.”

With regard to the regulations above referred to, it is to be observed that the term “parent” includes guardian and every person who is liable to maintain, or has the actual custody of, any child. It is not specified in what manner the parent is to “withdraw” the child from religious instruction and observances in the school. It would be convenient that the notice of the parent's wish in the matter should be given in writing, but a verbal intimation to the managers or the teacher would probably be sufficient.

The provision relative to the withdrawal of a child from school on any day exclusively set apart for religious observance by the religious body to which the parent belongs was specially intended to meet the cases of Jewish and Roman Catholic children.

When the school is held both in the morning and in the afternoon, the religious observance or instruction may take place not only at the beginning or end, or beginning and end, of the day's secular instruction, but of the morning and afternoon meetings respectively.

It rests with the managers of the school, to determine the duration of the morning and afternoon meetings of a public elementary school, subject to not less than two consecutive hours in the case of scholars above seven and one hour and a half in the case of those under seven being devoted to secular instruction at each meeting.

At a meeting of the Committee of Council on Education, on the 7th of February, 1871, the following resolutions with reference to the provisions of the section were adopted :—“(1) That the time-table of each public elementary school shall be submitted to the inspector of the district, at his first visit to the school after the 30th of April, 1871. (2) That the inspector shall enter on every time-table which fulfils the requisite conditions, ‘Approved, on behalf of the Education Department,’ with his signature and the date of his visit. (3) That the inspector may approve any time-table which, while conforming to

sec. 7 (No. 2) of the Education Act in respect of the time or times appointed for religious observances or instruction, sets apart for instruction in secular subjects at least two consecutive hours at each morning and afternoon meeting, and one hour and a half at each evening meeting of the school. (4) That the inspector shall not express any opinion as to the time or times appointed for religious observances or instruction, or as to the nature of such instruction, but shall confine himself to seeing that the prescribed amount of time is secured for secular instruction. (5) That before signing the time-table the inspector shall satisfy himself: (a) that a copy of the regulations contained in sec. 7 of the Education Act is conspicuously put up in the school; (b) that the time-table is printed, or written, in distinct characters, and that sufficient copies of it are provided to be put up in every schoolroom; (c) that if the school premises admit of it, the children withdrawn by their parents from religious observances or instruction receive, by themselves, instruction in secular subjects during the time or times set apart for religious instruction or observances. (6) That the inspector, at any visit which he pays to a school without notice, shall report to the Education Department if he finds that the work of the school is not being carried on according to the approved time-table, or that the time-table itself is not exhibited in every schoolroom. (7) That if any five parents or guardians of scholars for the time being attending a school make complaint in writing to the Education Department that a time-table, approved by the inspector, is not in accordance with this minute, the Education Department, on receiving such complaint, shall make such inquiry and order in the matter as they may think fit."

It will be observed that two different classes of cases are provided for by the sub-section. The first are those in which the local authority by inquiry or otherwise have satisfied themselves that the regulations above referred to have been infringed. These cases it will be the duty of the local authority to report to the Education Department. The second are those where the local authority receive complaints of infraction of the regulations; and in these cases the local authority must forward the complaints to the Education Department, who will, no doubt, institute such inquiries with regard to them as may be necessary. This provision was proposed with the view of affording additional security that the "conscience clause" shall be strictly carried out.

In the case of a school provided by a School Board, sec. 14 of the Elementary Education Act, 1870, requires not only that it shall be conducted as a "public elementary school," but that "no religious catechism or religious formulary which is distinctive of any particular denomination shall be taught in the school."

*Employment and education of children in factories, &c.*

8. Whereas by sections fourteen and fifteen of the Workshop Regulation Act, 1867, provision is made respecting the education of children employed in

workshops, and it is expedient to substitute for the said sections the provisions respecting education of the Factory Acts, 1844 and 1874 : Be it therefore enacted, that sections thirty-one, thirty-eight, and thirty-nine of the Factory Act, 1844, and sections twelve and fifteen of the Factory Act, 1874, shall apply to the employment and education of all children employed in factories subject to the Factory Acts, 1833 to 1871, and not subject to the Factory Act, 1874, or in workshops subject to the Workshop Acts, 1867 to 1871.

Provided, that section twelve of the Factory Act, 1874, shall not apply to any child so employed who has attained the age of eleven years before the commencement of this Act.

Sections 31, 38, & 39 of the Factory Act, 1844 (7 & 8 Vict. c. 15), & sections 12 & 15 of the Factory Act, 1874 (37 & 38 Vict. c. 44), will be found in the appendix (p. 101).

The Factory Act of 1874 only applied to factories as defined by the Factory Act, 1844, the Ropeworks Act, 1846 (9 & 10 Vict. c. 40), and the Lace Factory Act, 1861 (24 & 25 Vict. c. 117). The provisions of the sections above referred to from and after the 1st January, 1877, subject to the exception in the case of children employed in factories or workshops who had before that day attained the age of eleven years, also apply to all children employed in factories or workshops under the Factories Extension Act, 1864 (27 & 28 Vict. c. 48), the Factory Acts Extension Act, 1867 (30 & 31 Vict. c. 103), the Workshop Regulation Act, 1867 (30 & 31 Vict. c. 146), and the Factory and Workshop Act, 1870 (33 & 34 Vict. c. 62).

The factories and workshops which come within the operation of these several Acts are set forth in the appendix (sec p. 105).

Secs. 14 & 15 of the Workshop Regulation Act of 1867 are repealed by sec. 51 of this Act.

Children of the age of nine years or upwards in the year ending the 31st of December, 1877, or of ten years or upwards after that date, will be exempt from the operation of sec. 5 of this Act if employed and attending school in accordance with the provisions of the Factory Acts. It must, however, be borne in mind that a child of the age referred to will not be exempt by attending school in accordance with the provisions of these Acts, unless he is also employed in accordance with those provisions. When, therefore, the Factory Act prescribes the minimum age at which a child may be employed in a factory to which the Act applies, this statute will not authorise the employment of a child at an earlier age. Sec. 50 expressly provides that nothing in this Act shall prejudice the effect of or derogate from

any provision relating to the employment of children contained in any previous Act of Parliament which may be more stringent in its provisions than this Act.

As to the enforcement of the Act as regards the employment of children in factories and workshops, see sec. 7.

*Exception to prohibition of employment of children.*

9. A person shall not be deemed to have taken any child into his employment contrary to the provisions of this Act, if it is proved to the satisfaction of the court having cognizance of the case either (1)—

- (1.) That during the employment there is not within two miles, measured according to the nearest road, from the residence of such child any public elementary school open which the child can attend (2); or
- (2.) That such employment, by reason of being during the school holidays, or during the hours during which the school is not open, or otherwise, does not interfere with the efficient elementary instruction of such child, and that the child obtains such instruction by regular attendance for full time at a certified efficient school or in some other equally efficient manner (3); or
- (3.) That the employment is exempted by the notice of the local authority hereinafter next mentioned; (that is to say,)

The local authority may, if it thinks fit, issue a notice exempting from the prohibitions and restrictions of this Act the employment of children above the age of eight years, for the necessary operations of husbandry and the ingathering of crops, for the period to be named in such notice: Provided that the period or periods so named by any such local authority shall not exceed in the whole six weeks between the first day of January and



the thirty-first day of December in any year (4).

The local authority shall cause a copy of every notice so issued to be sent to the Education Department and to the overseers of every parish within its jurisdiction, and the overseers shall cause such notice to be affixed to the door of all churches and chapels in the parish, and the local authority may further advertise any such notice in such manner (if any) as it may think fit.

(1) The provisions prohibiting the employment of children are contained in sec. 5.

(2) For definition of "public elementary school," see note to sec. 7.

(3) A "certified efficient school" is defined by sec. 48.

(4) These provisions are rendered necessary by the repeal of the Agricultural Children Act, 1873 (see sec. 52). The period during which the prohibition as to the employment of children for the purposes named shall be suspended will be in the discretion of the local authority, subject to the limitation that such periods shall not in the aggregate exceed six weeks between the 1st of January and the 31st of December in each year. The term "local authority" is defined by secs. 7 & 33. The period of suspension will not necessarily be inclusive of the time during which the school is closed for the holidays. See sub-section (2).

#### *Payment of school fees for poor parents.*

10. The parent, not being a pauper, of any child who is unable by reason of poverty to pay the ordinary fee for such child at a public elementary school, or any part of such fee, may apply to the guardians having jurisdiction in the parish in which he resides; and it shall be the duty of such guardians, if satisfied of such inability, to pay the said fee, not exceeding threepence a week, or such part thereof as he is, in the opinion of the guardians, so unable to pay.

The parent shall not by reason of any payment made under this section be deprived of any franchise, right, or privilege, or be subject to any disability or disqualification.

Payment under this section shall not be made on condition of the child attending any public elementary

school other than such as may be selected by the parent, nor refused because the child attends, or does not attend any particular public elementary school.

The twenty-fifth section of the Elementary Education Act, 1870, is hereby repealed.

The Elementary Education Act, 1870, by sec. 17, empowers a School Board, in the case of a child attending a school provided by them, from time to time, for a renewable period not exceeding six months, to remit the whole or any part of the school fee, when they are of opinion that the parent of the child is unable from poverty to pay the same. Sec. 25 of that Act further provides that "the School Board may, if they think fit, from time to time, for a renewable period not exceeding six months, pay the whole or any part of the school fee payable at any public elementary school by any child resident in their district whose parent is, in their opinion, unable from poverty to pay the same."

From the commencement of this Act, the 1st January, 1877, sec. 25 above referred to is repealed. The powers of a School Board as regards the remission or payment of fees in the case of the children of poor parents will be limited to remitting, where they deem it necessary, the fees of children attending a school provided by the School Board. Their powers as to the payment of school fees entirely cease.

With the School Board it was optional whether they would pay school fees under sec. 25, but under the present section, if the guardians, when applied to by the parent of a child who is unable by reason of poverty to pay the ordinary fee at a public elementary school, or any part of the fee, are satisfied of the inability of the parent to pay such fee, not exceeding threepence per week, it will be an absolute duty on the part of the guardians, whether or not the child is resident in a School Board district, to pay the fee, or such portion of it as the parent in their opinion is unable to pay. It may happen that there is a School Board school which the child might attend, and that the School Board would be willing to remit the fee for his attendance, but these circumstances would not relieve the guardians of their duty as regards the payment of the fee, if they were satisfied of the poverty of the parent, and the parent should wish his child to attend some other public elementary school.

It will be seen that the powers and duties under this section devolve on the guardians, and not on the School Attendance Committee; but it might sometimes be convenient that the guardians should obtain reports from the committee on the cases in which applications are made under this section. The section says the parent may apply to the guardians having jurisdiction in the parish in which he resides. The intention must, however, be that the application should be made to the Board of Guardians of the union, and not to the individual guardians of the parish.

In some cases it has been proposed that the School Board should

investigate the applications for the payment of school fees and furnish the guardians with lists of the children for whom they recommend that the school fees should be paid, the guardians undertaking to pay the fees in the cases thus recommended. There appears, however, to be no legal authority for such an arrangement. The statute requires that the application shall be made to the guardians, and the guardians cannot delegate their duty to the School Board, neither can they make the School Board their agents for exercising the functions imposed upon them by the statute. Moreover, the School Board are not empowered to remunerate their officers for services rendered by them to the guardians.

The parent when the fees are paid by the guardians must be wholly uncontrolled by them in the selection of the school which the child shall attend, subject to the condition that the school must be a public elementary school. For definition of "public elementary school," see note to sec. 7.

The maximum sum which the guardians will be empowered to pay under this section will be threepence a week. When the ordinary fee at the school which the child attends is less than threepence per week, such fee only should be paid.

In the cases provided for by this section the guardians are to "pay the said fee." They are not required by the terms of the section to pay the fee to the parent, and consequently the enactment would be satisfied if the guardians were to arrange to pay the fee direct to the managers of the school which the child attends. This is the course which appears to be contemplated by the order of the Local Government Board.

It will be observed that the section only refers to non-paupers, but applications by non-pauper parents for the payment of the school fees of their children will require to be investigated by the guardians with as much care as applications by paupers for relief. The cases of pauper children are provided for by sec. 40.

As to the mode of charging money given for the payment of school fees in non-pauper cases, see sec. 35. The fees in these cases are not to be charged to the common fund of the union, but to the particular parish in which the parent is resident. It is considered, however, that the amount required to be raised for the payment of these fees may be included in the usual contribution orders made by the guardians on the overseers, and that it will be unnecessary to issue separate contribution orders in respect of them. Whilst the school fees are to be charged to particular parishes, there is no express provision as to the charging of expenses incurred by guardians in connection with the inquiries as to applications for payment of the fees, such as the salary of the inquiry officer, and it would appear therefore, that these expenses must be charged to the common fund of the union. As to the penalty for fraudulently obtaining payment of school fees, see sec. 37.

The Local Government Board have under the powers conferred on them by sec. 34 issued Regulations with reference to the proceedings

of the guardians under this section. The Regulations provide for the appointment of "Inquiry Officers," define the duties of those officers, and prescribe the accounts to be kept. These Regulations will be found in the appendix, p. 145.

*Provision as to order of court for attendance at school of child habitually neglected by parent or habitually wandering and consorting with criminals or disorderly persons.*

**11. If either—**

- (1.) The parent of any child above the age of five years who is under this Act prohibited from being taken into full time employment, habitually and without reasonable excuse neglects to provide efficient elementary instruction for his child; or
- (2.) Any child is found habitually wandering or not under proper control, or in the company of rogues, vagabonds, disorderly persons, or reputed criminals;

it shall be the duty of the local authority, after due warning to the parent of such child, to complain to a court of summary jurisdiction, and such court may, if satisfied of the truth of such complaint, order that the child do attend some certified efficient school willing to receive him and named in the order, being either such as the parent may select, or, if he do not select any, then such public elementary school as the court think expedient, and the child shall attend that school every time that the school is open, or in such other regular manner as is specified in the order.

An order under this section is in this Act referred to as an attendance order.

Any of the following reasons shall be a reasonable excuse:

- (1.) That there is not within two miles, measured according to the nearest road, from the residence of such child any public elemen-

- tary school open which the child can attend; or
- (2.) That the absence of the child from school has been caused by sickness or any unavoidable cause.

As to the definition of the term "parent," see note to sec. 4. The first clause of the section refers to "any child above the age of five years," and the second clause to "any child." In both cases the provision in sec. 48, that "a child in this Act means a child between the ages of five and fourteen years," applies. As to the prohibitions with regard to the employment of children, see sec. 5.

The "local authority" is the School Board of the district or the School Attendance Committee, provided for by secs. 7 and 33. For definition of the term, "Court of Summary Jurisdiction," see note to sec. 37.

If the parent selects the school which the child is to be ordered to attend, it will be sufficient if it is a "certified efficient school," but if the parent makes no selection, it must be a "public elementary school." As to the definition of a "certified efficient school," see sec. 48; and as to that of a "public elementary school," see note to sec. 7.

The reasons which are to be deemed reasonable excuses are similar to those provided for by sec. 74 of the Elementary Education Act, 1870, when byelaws are made. One exception, however, is that under the present section it will be a reasonable excuse if there is no public elementary school open which the child can attend within *two miles*, measured according to the nearest road, from the residence of the child. Under the Act of 1870 it was left to the School Board by their byelaws to prescribe the distance, subject to the condition that it should not exceed *three miles*.

As the Bill was originally drawn it would have been a "reasonable excuse," within the meaning of this section, if the absence of the child from school had been caused by "necessary domestic employment at its own home," but these words were struck out of the Bill in committee.

The recent case of *The London School Board v Murphy* raised the question whether in a district in which there are byelaws in force it is competent to the School Board to institute proceedings against the parent under the byelaws in a case which comes within the terms of this section, or whether they are limited to proceedings under this Act. The case has been reported as follows:—It appeared that there was a person named Murphy, within the district of the London School Board, who had neglected to send his child to school according to the byelaws of the Board. Thereupon the Board directed a summons to be taken out against him at the Hammersmith Police-court to enforce a fine under the byelaw. But on the application, Mr. Bridge, the magistrate at that court, asked some questions about the case, and found that, as it appeared to him, it was a case

of habitual neglect, within the 11th section of the Act of 1876, which provides that in such a case it shall be the duty of the Board to warn the parent to obey the Act, and if he should still neglect or refuse to do so, and it should appear that the child was without proper control, that then he should be sent to an industrial school. In consequence of this the magistrate declined to issue a summons for a mere non-attendance under the byelaw, and said that the Board were bound to proceed under the other enactment as on a case of habitual neglect, and that being his view, he declined to grant the summons applied for. This was an application for a *mandamus* calling upon him to do so.—The Lord Chief Justice, in giving his judgment, said the statute contemplated two classes of cases, and directed them to be dealt with very differently. The one class of cases—that is, cases of mere neglect or omission to make the child attend school—were left to be dealt with by mere summonses under the byelaws to enforce the penalties. The other class of cases were far more serious—they were cases of “habitual neglect,” in which the child was under no proper control, or was wandering about the streets, and in such cases the statute was imperative that it should be the duty of the Board to warn the parent, and in the event of his continued disobedience, then to proceed for an order to send the child to an industrial school. The Board in such cases had no option or alternative, but were bound to proceed in that way, and that being so, and the case appearing to the magistrate to be one of habitual neglect, the magistrate was right in his decision, and was justified in refusing the summons.—Mr. Justice Mellor concurred. The policy of the Education Act, he said, was to secure the education of children. The proceeding under the byelaw might be sufficiently effective to enforce the law in ordinary cases of mere omission or neglect; but cases of habitual neglect, or in which there was no proper control over the child, were very different. In these the other proceeding was prescribed; and the magistrate, therefore, was justified in declining to sanction proceedings under the byelaw merely to enforce a fine.—Consequently the application of the Board was dismissed.

For proceedings in the case of non-compliance with an “attendance order,” see the following section.

A certified day industrial school is a “a certified efficient school” within the meaning of this section. With regard to receiving children into a certified day industrial school, under attendance orders, and the payments to be made by the parents and the parliamentary contributions in such cases (see sec. 16, 4).

The Order in Council of the 20th March, 1877, by arts. 13 & 19 (see appendix, pp. 181, 188) prescribes regulations which must be strictly observed when proceedings are taken for obtaining an attendance order requiring a child to attend a certified day industrial school.

*Proceedings on disobedience to order of court for attendance at school.*

**12.** Where an attendance order is not complied

with, without any reasonable excuse within the meaning of this Act, a court of summary jurisdiction, on complaint made by the local authority, may, if it think fit, order as follows:

- (1.) In the first case of non-compliance, if the parent of the child does not appear, or appears and fails to satisfy the court that he has used all reasonable efforts to enforce compliance with the order, the court may impose a penalty not exceeding with the costs five shillings; but if the parent satisfies the court that he has used all reasonable efforts as aforesaid, the court may, without inflicting a penalty, order the child to be sent to a certified day industrial school, or if it appears to the court that there is no such school suitable for the child, then to a certified industrial school; and
- (2.) In the second or any subsequent case of non-compliance with the order, the court may order the child to be sent to a certified day industrial school, or if it appears to the court that there is no such school suitable for the child, then to a certified industrial school, and may further in its discretion inflict any such penalty as aforesaid, or it may for each such non-compliance inflict any such penalty as aforesaid without ordering the child to be sent to an industrial school;

Provided that a complaint under this section with respect to a continuing non-compliance with any attendance order shall not be repeated by the local authority at any less interval than two weeks.

A child shall be sent to a certified industrial school, or certified day industrial school, in pursuance of this section in like manner as if sent in pursuance of the

Industrial Schools Act, 1866, and when so sent shall be deemed to have been sent in pursuance of that Act and the Acts amending the same; and the parent, if liable under the said Acts to contribute to the maintenance and training of his child when sent to an industrial school, shall be liable so to contribute when his child is sent in pursuance of this section.

An "attendance order" is an order made by a Court of Summary Jurisdiction under the preceding section, and the reasons for non-compliance with the order which are to be deemed a "reasonable excuse" are prescribed by that section.

A "certified industrial school" is "a school in which industrial training is provided and children are lodged, clothed, and fed, as well as taught," certified by a Secretary of State under the Industrial Schools Act, 1866 (29 & 30 Vict., c. 118), for the reception of children under that Act. A "certified day industrial school" is a school certified by a Secretary of State, "in which industrial training, elementary education, and one or more meals a day, but not lodging, are provided for the children" (see sec. 16).

Children sent to a certified industrial school, in pursuance of this section, are to be sent in like manner as if sent in pursuance of the Industrial Schools Act, 1866. By sec. 18 of that Act it is provided that the order of justices or a magistrate sending a child to a school shall be in writing, signed by the justices or magistrate, and shall specify the name of the school. In determining on the school the justices or magistrate shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, if possible, select a school conducted in accordance with such religious persuasion, and the order shall specify such religious persuasion. The order shall specify the time for which the child is to be detained in the school, being such time as to the justices or magistrate seems proper for the teaching and training of the child, but not in any case extending beyond the time when the child will attain the age of sixteen years.

If on non-compliance with an attendance order the court, in pursuance of this section, order a child to be sent to a certified day industrial school, the order is to be deemed an "order of detention" within the meaning of the Order in Council of the 20th March, 1877 (see appendix, p. 183). As to the provisions of that order with regard to orders of detention, and the hours during which a child may be detained at school, see arts. 18, 28, & 29.

As to penalty for child under detention order not attending school or not conforming to rules of school, and penalty for preventing child from attending school in accordance with order of detention, see arts. 28 & 29 of Order in Council above referred to.

The provisions of the Industrial Schools Act, 1866, with regard to the contributions by parents, etc., towards the maintenance of children in industrial schools, and the orders for the enforcement of such con-



tributions, are contained in secs. 39 & 40 of that Act, which are as follows:—

“The parent, step-parent, or other person for the time being legally liable to maintain a child detained in a certified industrial school shall, if of sufficient ability, contribute to his maintenance and training therein a sum not exceeding five shillings per week.

“On the complaint of the inspector of industrial schools, or of any agent of the inspector, or of any constable under the directions of the inspector (with which directions every constable is hereby required to comply), at any time during the detention of a child in a certified industrial school, two justices or a magistrate having jurisdiction at the place where the parent, step-parent, or other person liable as aforesaid resides may, on summons to the parent, step-parent, or other person liable as aforesaid, examine into his ability to maintain the child, and may, if they or he think fit, make an order or decree on him for the payment to the inspector or his agent of such weekly sum, not exceeding five shillings per week, as to them or him seems reasonable, during the whole or any part of the time for which the child is liable to be detained in the school.

“Every such order or decree may specify the time during which the payment is to be made, or may direct the payment to be made until further order.

“Every such payment, or a proper proportionate part thereof, shall go in relief of the charges on Her Majesty's Treasury, and the same shall be accounted for as the Commissioners of Her Majesty's Treasury direct, and where the amount of the payment ordered in respect of any child exceeds the amount contributed by the Commissioners of Her Majesty's Treasury in respect of that child, the balance shall be accounted for and paid to the managers of the school.

“The Secretary of State may, in his discretion, remit wholly or partially any payment so ordered.

“Two justices or a magistrate having jurisdiction to make such an order or decree may from time to time vary any such order or decree as circumstances require, on the application either of the person on whom such order or decree is made, or of the inspector of industrial schools, or his agent, on fourteen days' notice being first given of such application to the inspector or agent, or to such person respectively.”

Special provisions are made by this Act (see sec. 16) as to the contributions by parents in the case of children sent to a certified day industrial school.

*Duty of local authority as to taking proceedings  
under this Act or 29 & 30 Vict., c. 118.*

**13.** Where the local authority are informed by any person of any child in their jurisdiction who is stated by that person to be liable to be ordered by a court under this Act to attend school, or to be sent under

this Act, or the Industrial Schools Act, 1866, to an industrial school, it shall be the duty of the local authority to take proceedings under this Act or the Industrial Schools Act, 1866, accordingly, unless the local authority think that it is inexpedient to take such proceedings.

Provided that nothing in this section shall relieve the local authority from the responsibility of performing their duty under the other provisions of this Act.

As to the cases in which an order may be made for the attendance of a child at school, see sec. 11, and as to those in which a child may be sent to an industrial school under this Act, see secs. 12 & 16.

The classes of children who may, under the Industrial Schools Act, 1866, be sent to certified industrial schools are as follows :—

Any child apparently under the *age of fourteen years* who is brought before two justices or a magistrate and comes within any of the following descriptions:—(1) that is found begging or receiving alms (whether actually or under the pretext of selling or offering for sale anything), or being in any street or public place for the purpose of so begging or receiving alms; or (2) that is found wandering and not having any home or settled place of abode or proper guardianship or visible means of subsistence; or (3) that is found destitute, either being an orphan or having a surviving parent who is undergoing penal servitude or imprisonment; or (4) that frequents the company of reputed thieves.

Any child apparently under the *age of twelve years* who is charged before two justices or a magistrate with an offence punishable by imprisonment or a less punishment, but has not been convicted of felony.

Any child apparently under the *age of fourteen years* whose parent or step-parent or guardian represents to two justices or a magistrate that he is unable to control him, and that he desires that the child should be sent to an industrial school; and

Any child apparently under the *age of fourteen years*, maintained in a workhouse or pauper school, whom the board of guardians or board of management of the pauper school represent to two justices or a magistrate to be refractory, or to be the child of parents either of whom has been convicted of a crime or offence punishable with penal servitude or imprisonment.

In every case the order must be made by the two justices or magistrate before whom the child is brought, or before whom the representation with regard to the child is made, and it is necessary that the justices or magistrate, as the case may be, should be satisfied that it is expedient to deal with the child by sending him to a certified industrial school.

The Prevention of Crime Act, 1871 (34 & 35 Vict., c. 112), further

provides that : Where any woman is convicted of crime, and a previous conviction of a crime is proved against her, any children of such woman under the age of fourteen years who may be under her care and control at the time of her conviction for the last of such crimes, and who have no visible means of subsistence, or are without proper guardianship, shall be deemed to be children to whom in Great Britain the provisions of the Industrial Schools Act, 1866, apply, and the court by whom such woman is convicted, or two justices or a magistrate, shall have the power of ordering such children to be sent to a certified industrial school.

In proceedings by a local authority with a view to obtaining an order of detention ordering a child to be detained in a certified day industrial school or an attendance order requiring a child to attend a certified day industrial school, the provisions of the Order in Council of the 20th March, 1877, above referred to must be strictly observed (see arts. 16, 18, 19).

With respect to the classes of children authorised by the Industrial Schools Act, 1866, to be sent to a certified industrial school who may be sent to certified day industrial schools under orders of detention, see art. 12 of the Order in Council of the 20th March, 1877 (appendix, p. 180).

### INDUSTRIAL SCHOOL.

#### *License to child sent to industrial school to live out while attending school.*

**14.** Where a child is sent to a certified industrial school under this Act or the Industrial Schools Act, 1866, upon the complaint or representation of the local authority under this Act, the managers of such school may, if they think fit, at any time after the expiration of one month after the child is so sent, give him a license under section twenty-seven of the Industrial Schools Act, 1866, to live out of the school, but the license shall be conditional upon the child attending as a day scholar, in such regular manner as is specified in the license, some school willing to receive him and named in the license, and being a certified efficient school.

Sec. 27 of the Industrial Schools Act, 1866, which is referred to in the above section, provides as follows :—

“The managers of a school may, at any time after the expiration of eighteen months of the period of detention allotted to a

child, by license under their hands, permit him to live with any trustworthy and respectable person named in the license, and willing to receive and take charge of him.

"Any license so granted shall not be in force for more than three months, but may at any time before the expiration of those three months be renewed for a further period not exceeding three months, to commence from the expiration of the previous period of three months, and so from time to time until the period of the child's detention is expired.

"Any such license may also be revoked at any time by the managers of the school by writing under their hands, and thereupon the child to whom the license related may be required by them, by writing under their hands, to return to the school.

"The time during which a child is absent from a school in pursuance of a license shall, except where such license has been forfeited by his misconduct, be deemed to be part of the time of his detention in the school, and at the expiration of the time allowed by the license he shall be taken back to the school.

"A child escaping from the person with whom he is placed under a license, or refusing to return to the school on the revocation of his license, or at the expiration of the time allowed thereby, shall be deemed to have escaped from the school."

It will be observed that this section of the Industrial Schools Act only admits of a license being granted when *eighteen months* of the period of detention allotted to a child has expired, but under the present Act, so far as regards children sent to an industrial school upon the complaint or representation of a "local authority" (as defined by secs. 7 & 33), the license may be granted at any time after the expiration of *one month* after the child is sent to the school.

A child who in pursuance of a license under this section attends a certified day industrial school is subject to the provisions of the Order in Council of the 20th March, 1877 (see art. 17 appendix, p. 184).

*Amendment as to provision of industrial school  
by school board.*

**15.** The consent of one of Her Majesty's Principal Secretaries of State, and not of the Education Department, shall be required for the establishing, building, and maintaining of a certified industrial or certified day industrial school by a school board, and to the spreading of the payment of the expense of such establishment and building over a number of years not exceeding fifty, and to the borrowing of money for that purpose; and for the purpose of such borrow-

ing section ten of the Elementary Education Act, 1873, shall be held to apply to the loan in like manner as if one of Her Majesty's Principal Secretaries of State were substituted therein for the Education Department, and such establishment and building shall be deemed to be a work for which a school board is authorised to borrow within the meaning of the first schedule to the Public Works Loans Act, 1875.

The Elementary Education Act, 1870, by sec. 28, provided as follows :—

“ A School Board may, with the consent of the Education Department, establish, build, and maintain a certified industrial school within the meaning of the Industrial Schools Act, 1866, and shall for that purpose have the same powers as they have for the purpose of providing sufficient school accommodation for their district.”

With respect to the powers of a School Board with regard to establishing and maintaining and contributing to the establishment and maintenance of a certified day industrial school, see sec. 16, No. 1, and the Order in Council of 20th March, 1877, arts. 10 & 11, appendix, pp. 177—179.

It will be observed that when it is proposed by a School Board to establish either a certified industrial school or a certified day industrial school, the sanction of the Secretary of State and not that of the Education Department must be obtained, and in like manner the sanction of the Secretary of State will be necessary when a loan is required for the establishment of the school.

As sec. 10 of the Elementary Education Act, 1873, and the Public Works Loans Act, 1875, are to apply to loans for the provision of an industrial school by a School Board, the Public Works Loan Commissioners will be empowered, on the recommendation of the Secretary of State, to make advances for the purpose at interest at the rate of  $3\frac{1}{4}$  per cent per annum, provided that the conditions of the last-mentioned Act have been complied with.

## DAY INDUSTRIAL SCHOOL.

### *Establishment, &c., of day industrial school.*

16. If a Secretary of State is satisfied that, owing to the circumstances of any class of population in any school district, a school in which industrial training, elementary education, and one or more meals a day, but not lodging, are provided for the children, is necessary or expedient for the proper training and control

of the children of such class, he may, in like manner as under the Industrial Schools Act, 1866, certify any such school (in this Act referred to as a day industrial school) in the neighbourhood of the said population to be a certified day industrial school (1).

Any child authorised by the Industrial Schools Act, 1866, to be sent to a certified industrial school, may, if the court before whom the child is brought think it expedient, be sent to a certified day industrial school; any child sent to a certified day industrial school by an order of a court (other than an attendance order under this Act) may during the period specified in the order be there detained during such hours as may be authorised by the rules of the school approved by the said Secretary of State (2).

A certified day industrial school shall be deemed to be a certified efficient school within the meaning of this Act.

In the case of a certified day industrial school,—

- (1.) A prison authority within the meaning of the Industrial Schools Act, 1866, and a school board shall respectively have the same powers in relation to a certified day industrial school as they have in relation to a certified industrial school (3); and
- (2.) There may be contributed out of moneys provided by Parliament towards the custody, industrial training, elementary education, and meals of children sent by an order of a court other than an attendance order under this Act to a certified day industrial school such sums not exceeding one shilling per head per week, and on such conditions as a Secretary of State from time to time recommends (4); and
- (3.) Where a court of summary jurisdiction orders otherwise than by an attendance order under this Act a child to be sent to a certified day

industrial school, the court shall also order the parent of such child, if liable to maintain him, to contribute to his industrial training, elementary education, and meals in the school such sum not exceeding two shillings per week as is named in the order; it shall be the duty of the local authority to obtain and enforce the said order, and every sum paid under the order, shall be paid over to the local authority in aid of their expenses under this Act; if a parent resident in any parish is unable to pay the sum required by the said order to be paid, he shall apply to the guardians having jurisdiction in the parish, who, if satisfied of such inability, shall give the parent sufficient relief to pay the said sum, or so much thereof as they consider him unable to pay, and the money so given shall be charged to the parish as provided by this Act in the case of money given for the payment of school fees (5); and

- (4.) The managers of a certified day industrial school may, upon the request of a local authority and of the parent of a child, and upon the undertaking of the parent to pay towards the industrial training, elementary education, and meals of such child such sum, not less than one shilling a week, as a Secretary of State from time to time fixes, receive such child into the school under an attendance order or without an order of a court; and there may be contributed out of moneys provided by Parliament in respect of that child such sum, not exceeding sixpence a week and on such conditions as a Secretary of State from time to time recommends (6).

It shall be lawful for Her Majesty from time to

time, by Order in Council, to apply to a certified day industrial school the provisions of the Industrial Schools Act, 1866, and the Acts amending the same, with such modifications as appear to Her Majesty to be necessary or proper for adapting such provisions to a day industrial school, and bringing them into conformity with this Act; and such order may provide that a child may be punished for an offence by being sent to a certified industrial in lieu of a certified reformatory school, or may otherwise mitigate any punishment imposed by the said Act (7).

It shall be lawful for Her Majesty from time to time, by Order in Council, to revoke and vary any Order in Council made under this section.

Every such Order shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, or if not, within one month after the beginning of the then next session of Parliament, and while in force shall have effect as if it were enacted in this Act.

A Secretary of State may from time to time make, and when made revoke and vary, the forms of orders for sending a child to a day industrial school, and the manner in which children are to be sent to such school.

If a Secretary of State is of opinion that, by reason of a change of circumstances or otherwise, a certified day industrial school ceases to be necessary or expedient for the proper training and control of the children of any class of population in the neighbourhood of that school, he may, after due notice, withdraw the certificate of the school, and thereupon such school shall cease to be a certified day industrial school (8).

Provided, that the reasons for withdrawing such certificate shall be laid before both Houses of Parliament within one month after notice of the with-



drawal is given, if Parliament be then sitting, or if not, within one month after the then next meeting of Parliament.

(1.) The Order in Council of the 20th March, 1877 (see appendix p. 170), defines "Day Industrial Schools" and "managers" of such schools. It also provides as to the mode of certifying day industrial schools and as to their inspection. A certified industrial school under the Industrial Schools Act or any other Act or a certified reformatory school cannot at the same time be a certified day industrial school (arts. 2—7, 21, 22, 32—36).

(2.) The classes of children who may be sent to a certified day industrial school under an order of detention under this enactment are specified in art. 12 of the Order of Council above referred to. An "attendance order" is defined by sec. 11 of this Act. The Order in Council (see art. 18) contains provisions as to the form and contents of an order of detention and the hours during which a child may be detained under such order. An order of detention is not in any case to authorise the detention of a child for more than three years, or beyond the time when the child will attain the age of fourteen years.

(3.) As to the powers of School Boards and prison authorities to contribute towards the alteration, enlargement, or re-building of a certified industrial school, or towards the support of the inmates of such a school, or towards the management of such a school, or towards the establishment or building of a school intended to be a certified industrial school, or towards the purchase of land required either for the use of an existing certified industrial school, or for the site of a school intended to be a certified industrial school, and "themselves to undertake anything towards which they are authorised to contribute" in connection with a certified industrial school, see the 29 & 30 Vict., c. 118, ss. 12, 13, 27, & 50; 33 & 34 Vict., c. 75, ss. 27 & 28; 35 & 36 Vict., c. 21, ss. 7, 8, & 9; 36 & 37 Vict., c. 86, s. 14; and the 37 & 38 Vict., c. 47, ss. 2, 3, & 4. These provisions, so far as they are made applicable to certified day industrial schools, are set forth in arts. 9, 10, & 11 of the Order of Council of 20th March, 1877 (see appendix, pp. 173—179).

(4.) This clause, it will be observed, refers to children sent to a certified day industrial school under an order of detention, and not to children sent under an "attendance order" under sec. 11. For recommendations of Secretary of State as to parliamentary grant, see p. 209.

(5.) As to the liability of parents, etc., to contribute for children in certified industrial schools, see sec. 12. The orders under this subsection will be obtained by the "local authority," as defined by secs. 7 & 33. When a parent is unable to pay the sum required by the order, the relief necessary to enable him to make the payment is to be given by the guardians of the union comprising the parish in which he resides, and not by the "local authority." The section says that the parent shall apply to the guardians having jurisdiction in the parish;

but this is intended to refer to the Board of Guardians and not the individual guardians for the parish. There is no provision (as in sec. 10, with regard to the payment of school fees) that the parent shall not by reason of such payment be deprived of any franchise, or be subject to any disability or disqualification. The relief is to be charged to the parish in like manner as money given for the payment of school fees; i.e., is to be charged to the particular parish in which the parent resides, and not to the common fund of the union. See sec. 35. Any sums recovered by a School Attendance Committee appointed by guardians under the powers given by this sub-section must be paid to the treasurer of the union to the credit of the guardians in pursuance of art. 16 of the Order of the Local Government Board of the 14th April, 1877 (see appendix, p. 168).

(6.) With reference to this sub-section, see art. 20 of the Order in Council of the 20th March, 1877, and recommendations of Secretary of State as to parliamentary grant (appendix, pp. 190, 209).

(7.) For Order in Council which has been made under these powers, see appendix, pp. 170—208).

8. As to the provisions with regard to the withdrawal of the certificate of a certified day industrial school, see arts. 32, 34, & 35 of the Order in Council above referred to.

### *Conditions of contribution to day industrial schools.*

17. The conditions of a parliamentary contribution to a certified day industrial school, to be recommended by the Secretary of State, shall provide for the examination of the children according to the standards of proficiency for the time being in force for the purposes of a parliamentary grant to public elementary schools; but may vary the amounts of the contributions to be made in respect of such standards respectively.

Any conditions recommended by a Secretary of State for the purposes of contributions to a day industrial school shall be laid before Parliament in the same manner as minutes of the Education Department, relating to the annual parliamentary grant.

As to parliamentary contributions to a certified day industrial school, see sec. 16 (2) and (4).

The standards of proficiency prescribed by the code of the Education Department for the purpose of grants to public elementary schools are set forth in the appendix, p. 141.

For recommendations of Secretary of State as to parliamentary grant, see p. 209.

## PARLIAMENTARY GRANT.

*Contribution for fees of children who obtain certificates.*

18. Where, during the first five years after the commencement of this Act, or any further period which Her Majesty may from time to time fix by Order in Council, a child, before he has attained the age of eleven years, obtains such certificate of proficiency in reading, writing, and elementary arithmetic, and also such certificate of previous due attendance at a public elementary school, as are in this Act in that behalf mentioned, then, subject to the regulations and conditions contained in an order of the Education Department for the time being in force under the First Schedule to this Act, the school fee payable by such child at any public elementary school in the course of the three years next after he obtains the last of such certificates, not exceeding the ordinary fee charged at such school, may be paid by the Education Department out of moneys provided by Parliament, the school fees so paid to be reckoned as school pence to be met by the grant payable by the Department.

As to the date of the commencement of the Act, see sec. 3. The certificates of proficiency and due attendance at a public elementary school are provided for by sec. 24 and schedule 1, p. 91. The Regulations which have been issued by the Education Department with respect to the payment by that department of the school fees of children will be found in the appendix, pp. 122, 128).

As to definition of "public elementary school," see note to sec. 7.

Not more than ten per cent. of the children presented for examination in a public elementary school can be allowed to obtain in the same year certificates entitling them to the payment of fees under this section. If the children qualified to obtain these certificates exceed this per centage, those children who have attended the greatest number of times will have the preference. The fees are not to be paid by the Education Department unless the school or department of a school which the child attends is one at which the ordinary payment in respect of the instruction of each scholar does not exceed sixpence a week (schedule 1, rules 8 & 10).

*Amendment of 33 & 34 Vict. c., 75, s. 97, as to conditions of annual parliamentary grant.*

19. So much of section ninety-seven of "The Elementary Education Act, 1870," as enacts that the conditions required to be fulfilled by an elementary school in order to obtain the annual parliamentary grant shall provide that the grant shall not for any year exceed the income of the school for that year which was derived from voluntary contributions and from school fees, and from any sources other than the parliamentary grant, shall be repealed as from the thirty-first day of March, one thousand eight hundred and seventy-seven.

After the thirty-first day of March one thousand eight hundred and seventy-seven the conditions required to be fulfilled by an elementary school in order to obtain the annual parliamentary grant shall provide that—

(1.) Such grant shall not in any year be reduced by reason of its excess above the income of the school if the grant do not exceed the amount of seventeen shillings and sixpence per child in average attendance at the school during that year, but shall not exceed that amount per child, except by the same sum by which the income of the school, derived from voluntary contributions, rates, school fees, endowments, and any source whatever other than the parliamentary grant exceeds the said amount per child (1); and

(2.) Where the population of the school district, in which the school is situate, or the population within two miles, measured according to the nearest road, from the school is less than three hundred and there is no other public elementary school recognised by the Educa-

tion Department as available for the children of that district, or that population (as the case may be), a special parliamentary grant may be made annually to that school to the amount, if the said population exceeds two hundred, of ten pounds, and, if it does not exceed two hundred, of fifteen pounds (2); and

- (3.) The said special grant shall be in addition to the ordinary annual parliamentary grant, and shall not be included in the calculation of that grant for the purpose of determining whether it does or not exceed the amount before in this section mentioned.

(1) The following articles (23—27) of the new code show what is to be deemed the “average attendance at the school” :—

“Attendance at a morning or afternoon meeting may not be reckoned for any scholar who has been under instruction in secular subjects less than two hours<sup>1</sup> if above, or one hour and a half<sup>2</sup> if under, seven years of age; nor attendance at an evening meeting for any scholar who has been under similar instruction less than one hour.

“Attendance of boys at military drill, under a competent instructor, or of girls at lessons in practical cookery, approved by the inspector, for not more than two hours a week, and forty hours in the year, may in a day school be counted as school attendance.

“Attendances may not be reckoned for any scholar in a day school under 3 or above 18, or, in an evening school, under 12 or above 21 years of age.

“The average number in attendance for any period is found by adding together the attendances of all the scholars for the same period, and dividing the sum by the number of times the school has met within the same period; the quotient is the average number in attendance.

“In calculating the average number in attendance, the attendances of half-time scholars reckon for no more than those of other scholars.”

See sub-sections 2 and 3 as to special grants.

(2) The “school districts” constituted by the Education Act of 1870 are the metropolis; every borough, except Oxford, subject to the Municipal Corporations Act, 1835; the district of the local board of Oxford; and each parish not included in the metropolis or a municipal borough other than Oxford.

<sup>1</sup> This may include an interval of 15 minutes for recreation during a meeting of 3 hours, or of 5 to 10 minutes in a shorter meeting.

<sup>2</sup> Not including any time for recreation.

It has since been enacted by the 37 & 38 Vict., c. 39, that the borough of Wenlock shall not be deemed to be a borough, for the purposes of the Education Acts.

There are also the following exceptions:—1. When a parish is partly within and partly without a municipal borough, the part outside the borough is to be deemed a parish by itself, and consequently a separate school district (33 & 34 Vict., c. 75, sec. 77); and 2. Where a part of a parish is detached from the principal part of the parish, and the Education Department with the consent of the Local Government Board have so directed, each part of the parish is in like manner, for the purposes of the Education Acts, a separate parish and separate school district (36 & 37 Vict., c. 86, sec. 12).

When a united school district is formed, it is to be deemed a school district, and substituted for the school districts which are comprised in it (33 & 34 Vict., c. 75, sec. 40).

The population referred to in this sub-section would appear to be the population for the time being, and not that according to the last census.

### *Conditions for obtaining parliamentary grant.*

**20.** The conditions required to be fulfilled by schools in order to obtain annual parliamentary grants shall provide that the income of the schools shall be applied only for the purpose of public elementary schools.

### BYELAWS.

*School attendance committee to have like powers with school boards of enforcing by byelaw attendance of children.*

**21.** In a school district not within the jurisdiction of a school board, if it is a borough the school attendance committee may, if they think fit, and if it is a parish the school attendance committee for the union comprising such parish on the requisition of the parish, but not otherwise, shall make byelaws respecting the attendance of children at school under section seventy-four of the Elementary Education Act, 1870, as if such school attendance committee were a school board.

For definition of the term "school district," see sec. 19, note 2.

As to appointment of the "School Attendance Committees," see secs. 7 & 33.

The requisition of the parish is provided for by sec. 22.

The provisions of sec. 74 of the Elementary Education Act, 1870, are appended to sec. 23.

It will be observed that in the case of a borough not under the jurisdiction of a School Board, it is optional with the School Attendance Committee whether or not they will make byelaws under the enactment referred to, and that in the case of a parish for which there is no School Board the School Attendance Committee must make byelaws, if so required by the parish, but that without such requisition they cannot do so even when they consider such byelaws desirable.

*Provision as to requisition of parish.*

**22.** The requisition of a parish to a school attendance committee for the purposes of this Act, if made, shall be made by a resolution passed by the same persons, and in the same manner, and subject to the same regulations of the Education Department, as a resolution for an application to the Education Department for a school board, and the expenses incurred with reference to such resolution may be paid in like manner.

The requisition may be accompanied by representations, made by a resolution passed in like manner, as to the nature of the byelaws desired by the parish, and in making and approving the byelaws the school attendance committee and the Education Department shall consider and have due regard to such representations.

The regulations of the Education Department as to a resolution for an application for a School Board in a parish will be found in the appendix (see p. 134). The regulations show by whom and in what manner such resolution is to be passed.

A form of byelaws has been issued by the Education Department. The form will be found in the appendix, p. 130).

*Provision as to byelaws under s. 74 of the Elementary Education Act, 1870 (33 & 34 Vict., c. 75), as extended by this Act.*

**23.** For the purposes of this Act section seventy-

four of the Elementary Education Act, 1870, and all enactments of that or any other Act referring to byelaws under that section, shall be construed as if "school board" included the authority authorised by this Act to make byelaws :

Provided, that nothing in any byelaw shall authorise the authority making the same in pursuance of this Act to remit or pay any fees.

It shall be the duty of every local authority to enforce the byelaws made by that authority in pursuance of section seventy-four of the Elementary Education Act, 1870.

The provisions in sec. 74 of the Elementary Education Act, 1870, with regard to byelaws, with the omission of the clause relating to the remission or payment of fees, are as follows :—

"Every School Board may from time to time, with the approval of the Education Department, make byelaws for all or any of the following purposes :—

1. Requiring the parents of children of such age, not less than five years nor more than thirteen years, as may be fixed by the byelaws, to cause such children (unless there is some reasonable excuse) to attend school.

2. Determining the time during which children are so to attend school ; provided that no such byelaw shall prevent the withdrawal of any child from any religious observance or instruction in religious subjects, or shall require any child to attend school on any day exclusively set apart for religious observance by the religious body to which his parent belongs, or shall be contrary to anything contained in any Act for regulating the education of children employed in labour.

3. Imposing penalties for the breach of any byelaws.

4. Revoking or altering any byelaw previously made.

"Provided that any byelaw under this section requiring a child between ten and thirteen years of age to attend school shall provide for the total or partial exemption of such child from the obligation to attend school, if one of Her Majesty's inspectors certifies that such child has reached a standard of education specified in such byelaw. Any of the following reasons shall be a reasonable excuse ; namely,—

1. That the child is under efficient instruction in some other manner.

2. That the child has been prevented from attending school by sickness or any unavoidable cause.

3. That there is no public elementary school open which the child can attend within such distance, not exceeding three miles, measured according to the nearest road, from the residence of such child, as the byelaws may prescribe.



"The School Board, not less than one month before submitting any byelaw under this section for the approval of the Education Department, shall deposit a printed copy of the proposed byelaws at their office for inspection by any ratepayer, and supply a printed copy thereof gratis to any ratepayer, and shall publish a notice of such deposit.

"The Education Department, before approving of any byelaws, shall be satisfied that such deposit has been made and notice published, and shall cause such inquiry to be made in the school district as they think requisite.

"Any proceeding to enforce any byelaw may be taken, and any penalty for the breach of any byelaw may be recovered, in a summary manner; but no penalty imposed for the breach of any byelaw shall exceed such amount as with the costs will amount to five shillings for each offence, and such byelaws shall not come into operation until they have been sanctioned by Her Majesty in council.

"It shall be lawful for Her Majesty, by order in council, to sanction the said byelaws, and thereupon the same shall have effect as if they were enacted in this Act.

"All byelaws sanctioned by Her Majesty in council under this section shall be set out in an appendix to the annual report of the Education Department."

The Education Department have issued a form of byelaws, and the adoption of this form will no doubt facilitate the obtaining the consent of the Department to the byelaws proposed. The form of byelaws referred to will be found in the appendix, p. 130.

It will rest with the School Attendance Committee, subject to the approval of the Education Department, to determine, within the prescribed limits, at what ages children shall come within the operation of the byelaws, but they must consider and have due regard to any representation made by the parish on the subject under sec. 22. The limits specified in sec. 74 of the Education Act of 1870, above referred to, have been generally adopted by School Boards. In some few instances, however, the limits have been fixed at from five to ten years, in others at from five to eleven, or from five to twelve, and in others from six to thirteen.

The number of days' attendance will also be regulated by the byelaws in accordance with the circumstances of the district.

The byelaws may require the parents of children "to cause such children to attend school." Attendance at a "public elementary school" cannot be required if the child is under efficient instruction elsewhere.

The mode of publishing notice of the deposit of byelaws is prescribed by sec. 20 of the 36 & 37 Vict., c. 86 (see note to sec. 34 of this Act). The Committee of the Privy Council on Education, by an order made under the powers conferred by that section, and bearing date the 13th of August, 1875, directed that: "From and after the date of the present order, the notice of deposit of byelaws under sec. 74 of the Elementary Education Act, 1870, shall be published only by

advertisement in some one or more of the newspapers circulating in the district of the Board whose byelaws are so deposited."

If the Education Department require alterations to be made in the byelaws submitted to them, the altered byelaws must be deposited for the inspection of the ratepayers for not less than one month, notwithstanding that the byelaws originally proposed were so deposited. It is therefore found convenient to submit to the Education Department a draft of the proposed byelaws, prior to their being deposited, with the view of ascertaining whether the Department will be prepared to sanction them. When this is done, alterations can be made without the loss of a month.

The Education Department, before approving of byelaws, require to be furnished with a statutory declaration of the due deposit of the byelaws and of the publication of the notice, together with a copy of the newspaper containing the advertisement.

With reference to the proviso in this section that "nothing in any byelaw shall authorise the authority making the same in pursuance of this Act to remit or pay any fees," the words "in pursuance of this Act" are to be noted. A School Board will make byelaws in pursuance of the Act of 1870, and not of this Act, and consequently the byelaws of a School Board may provide as to the remission of fees in schools provided by the Board. The powers of a School Board to pay school fees have ceased. The only local authorities who by this Act are authorised to make byelaws are the School Attendance Committees (see sec. 21), and they are precluded by the proviso in question from providing for the payment or remission of school fees.

Under the Education Act of 1870 it was optional with a School Board whether or not they would enforce the byelaws made by them; but this section renders it the duty of the School Board, or other local authority by whom byelaws are made, to take the necessary proceedings for enforcing them. The duty which devolves on the inspectors or sub-inspectors under sec. 7 refers to "the employment of children" in factories, workshops, and mines, in contravention of the Act, and not the enforcement of byelaws as to school attendance.

It would appear that in cases which come within the provisions of sec. 11 of this Act, the School Board or other local authority should proceed under that section and not under their byelaws (see case of *London School Board v. Murphy*, pp. 35, 36).

As regards the appointment of officers for the enforcement of byelaws, see sec. 28 and arts. 4 & 12 of the Order of the Local Government Board of 14th April, 1877 (appendix, pp. 164, 167).

### ADMINISTRATIVE PROVISIONS.

#### *Supplemental provisions as to certificates of proficiency and previous attendance at school.*

24. The certificates of proficiency of a child in

reading, writing, and elementary arithmetic, and of the previous due attendance of a child at a certified efficient school for the purposes of this Act, shall be certificates of proficiency and previous due attendance ascertained according to the standards set forth in the First Schedule to this Act, and such certificate shall be granted to the child entitled to the same free of cost or charge to such child, or to the parent of such child.

The Education Department may from time to time by order make, and when made revoke and vary, regulations with respect to certificates of age for the purposes of this Act and the persons by whom and the form in which certificates of the said proficiency and due attendance are to be granted, and with respect to other matters relating thereto, and with respect to the preservation of registers and other records of such proficiency and attendance, and such regulations shall be observed by the local authority and the managers of certified efficient schools.

All regulations made by the Education Department under this section shall be laid before Parliament in the same manner as minutes of the Education Department, relating to the annual parliamentary grant.

The first schedule to the Act contains standards of proficiency in reading, writing, and elementary arithmetic, and previous due attendance at school, (1) for the purpose of employment (see sec. 5), and (2) for the purpose of the payment of fees (see sec. 18).

The Regulations which have been issued by the Education Department with regard to these certificates of proficiency and previous due attendance will be found in the appendix, p. 122.

For definition of "certified efficient school," see sec. 48.

### *Certificates of birth for purposes of Act.*

**25.** Where the age of any child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child,

any person on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Local Government Board, and on payment of such fee, not exceeding one shilling, as the Local Government Board from time to time fix, shall be entitled to obtain a certified copy under the hand of the registrar or superintendent registrar of the entry in the register under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of the child named in the requisition.

This section is in substitution for sec. 29 of the Registration of Births and Deaths Act, 1874 (37 & 38 Vict., c. 88), which is repealed by this Act. Under that section the certified copy of the entry in the Register of Births was to be given on payment of a fee of one shilling, and the delivery of a written requisition issued by "any School Board, or any managers appointed by a School Board, or any persons managing a public elementary school, or any of Her Majesty's Inspectors of Schools." Under the present Act the requisition may be made by "any person," and it devolves on the Local Government Board to prescribe the fee to be paid in these cases, subject to the condition that the fee shall not exceed one shilling.

An order was issued by the Local Government Board on the 22nd February, 1877, in pursuance of this section, prescribing the form of requisition, and fixing sixpence as the fee to be paid to the registrar or superintendent registrar for each certified copy furnished by him under this section of the entry in the register of the birth of a child. For order see appendix, p. 143.

For definition of the term "child," see sec. 48.

*Returns of registrars of births and deaths to school boards.*

**26.** Every registrar of births and deaths, when and as required by a local authority, shall transmit, by post or otherwise, a return of such of the particulars registered by him concerning deaths and births of children as may be specified in the requisition of the local authority.

The local authority may supply a form, approved by the Local Government Board, for the purpose of the return, and in that case the return shall be made in the form so supplied.

The local authority may pay, as part of their expenses under this Act to the registrar making such return, such fee as may be agreed upon between them and the registrar, not exceeding twopence for every birth and death entered in such return.

The "local authority" for the purposes of this section are School Boards and School Attendance Committees, as defined by secs. 7 & 33. This section appears intended to provide for those cases where the local authority deem it desirable that they should be regularly supplied with particulars of the several births and deaths registered by the registrar for the district; whilst sec. 25 meets the case where information is required as to the age of a particular child.

The Local Government Board have approved of a form of return for the purpose of this section. The form is published by Messrs. Knight & Co., 90, Fleet-street, E.C.

Where a local authority under the powers given by this section have obtained a return of the births of children in their district, which will enable them to grant age certificates to individual children, they are, on the application of any parent or other person interested in the education or employment of a child, to grant a certificate under the hand of their clerk or other officer deputed for this purpose, for a fee not exceeding fourpence for each child.

*Provision in case of failure of local authority to perform their duty under this Act.*

**27.** If the Education Department are satisfied, after such inquiry and such notice to any local authority as they think expedient, that such authority have failed to fulfil their duty under this Act, the Education Department (without prejudice to any other remedy) (1)—

- (a.) If the authority are a school board, may proceed as if such board were a school board in default within the meaning of the Elementary Education Act, 1870; and,
- (b.) If the authority are not a school board, may by order appoint any persons for a specified period not exceeding two years to perform the duty of the defaulting school attendance committee under this Act, and from time to time change such persons (2).

During the said specified period the persons so appointed shall perform the duty of the defaulting school attendance committee under this Act, to the exclusion of that committee, and shall in the performance and for the purposes of such duty be invested with all the powers of the school attendance committee, but shall not be subject to any control on the part of the council or guardians who appointed the defaulting committee; but after the expiration of such period a school attendance committee shall forthwith be appointed by the council or guardians, as the case may require, and shall resume the duty of the local authority under this Act, subject nevertheless to any further proceeding under this section in the case of a new default.

All expenses incurred by persons appointed under this section by the Education Department to act in lieu of a defaulting school attendance committee, including such remuneration (if any) as the Education Department may assign to such persons, shall, to the amount certified by the Education Department to be due, be a debt to Her Majesty from the council or guardians by whom the defaulting committee were appointed, and may be recovered accordingly; and the certificate of the Education Department shall be conclusive evidence that the sum named in the certificate is due under this section.

The Education Department shall annually report to Parliament the cases in which any proceedings have been taken by them in pursuance of this section.

(1.) This section applies only to the default of a School Board or a School Attendance Committee, as defined by secs. 7 & 33. Boards of guardians are not "local authorities" for the purposes of the Act, and consequently a default on their part would not be within the terms of this section.

(2.) When the Education Department have under the Elementary Education Act, 1870, declared a School Board to be "in default," they may appoint any number of persons, not less than five nor more than fifteen, to be members of the School Board; and on such appointment the persons who were previously members of the Board are to

be deemed to have vacated their offices. The members thus appointed may be remunerated for their services out of the school fund. When the default has been remedied, the Education Department may, by order, direct that members shall be elected for the School Board as in the case of the first formation of the School Board, but until such order is made the members are to be appointed exclusively by the Education Department.

It is further provided that if in the opinion of the Education Department the School Board are in default, or are not properly performing their duties, they may, if they think fit, direct that the then existing members of the Board shall cease to hold office, and may order a new election for supplying the vacancies. See Education Act, 1870, secs. 63, 64, & 66.

It will be observed that when the Education Department appoint persons to discharge the duties of a defaulting local authority, they may assign to them remuneration for their services.

### *Officers of local authority.*

**28.** Every local authority, but subject in the case of a school attendance committee to the approval hereinafter mentioned, shall direct one or more of their officers, or the officers of the council or guardians by whom the committee are appointed, to act in the execution of this Act, and of any byelaws in force within the jurisdiction of such authority, and may, if they think fit, pay him or them for so doing, and may, if need be, appoint and pay officers for the purpose.

From this section and sec. 31 it will be seen that a School Attendance Committee in a borough will not be empowered to appoint or pay officers without the approval of the Town Council. A School Attendance Committee in a parish will require, in the case of the employment or payment of an officer, the consent of the Local Government Board, as well as that of the guardians.

The Local Government Board, under the powers conferred on them by sec. 34, have issued an order providing for the employment of School Attendance Officers by School Attendance Committees appointed by guardians. The order contains provisions as to the remuneration, tenure of office, and duties of these officers, and also as to the appointment of a temporary substitute in case of illness (see arts. 4—10, 12, & 16 of order in appendix, p. 164).

In a union, the clerk of the guardians will be the clerk of the School Attendance Committee by virtue of his office (see sec. 34).

The duties of the clerk to the Attendance Committee in the case of

Attendance Committees appointed by guardians are prescribed by the order of the Local Government Board above referred to.

With regard to the authority required to empower an officer to institute proceedings for non-attendance or irregular attendance at school, see sec. 38.

*Power of officer of local authority to enter place of employment.*

29. If it appear to any justice of the peace, on the complaint of an officer of the local authority acting under this Act, that there is reasonable cause to believe that a child is employed in contravention of this Act in any place, whether a building or not, such justice may by order under his hand empower an officer of the local authority to enter such place at any reasonable time within forty-eight hours from the date of the order, and examine such place and any person found therein touching the employment of any child therein.

Any person refusing admission to an officer authorised by an order under this section, or obstructing him in the discharge of his duty, shall for each offence be liable on summary conviction to a penalty not exceeding twenty pounds.

See secs. 5 & 47 as to the prohibition of the employment of children, and sec. 37 as to the enforcement of penalties.

*Provision as to powers and expenses of school board.*

30. The powers and expenses of a school board under this Act shall be deemed to be powers and expenses of that board under the Elementary Education Act, 1870, and the provisions of that Act and any Act amending the same shall apply thereto accordingly.

As to the expenses of a School Board under the Elementary Education Act, 1870, see secs. 53—56 of that Act. With regard to the expenses of a local authority other than a School Board under the present Act, see secs. 28 & 31.



*Expenses of local authority other than school board.*

**31.** A school attendance committee under this Act shall not incur any expense, or appoint, employ, or pay any officer without the consent of the council or guardians by whom the committee were appointed, and where they are appointed by guardians, also of the Local Government Board, but with such consent may employ and pay any officer of such council or guardians (1). The expenses (if any) of a school attendance committee under this Act shall be paid,—

- (1) Where the committee is appointed by a council, out of the borough fund or borough rate; and,
- (2) Where the committee is appointed by a board of guardians, out of a fund to be raised out of the poor rate of the parishes in which the committee act for the purposes of this Act, according to the rateable value of each parish (2):

For the purpose of obtaining payment of such expenses, the board of guardians shall have the same powers as they have for the purpose of obtaining contributions to their common fund under the Acts relating to the relief of the poor.

(1.) A "School Attendance Committee" is defined by secs. 7 & 33. As to the employment and payment of officers, see also sec. 28.

The section appears to contemplate that the School Attendance Committee shall not incur any expense without the sanction of the Local Government Board in addition to that of the guardians by whom the committee were appointed. On this point, however, see note, p. 215.

It will be observed from the order of the Local Government Board of 14 April, 1877, that the School Attendance Committee of a union are not themselves to make any payments. They are from time to time to certify to the guardians in a form prescribed by the order the expenses legally incurred by them, and the guardians upon the receipt of the certificate are to pay the expenses legally incurred and specified therein in like manner as other payments are made by them in the ordinary discharge of their duties, unless in any case they are prevented by any rule of law or statute from making the payment. All sums received by the School Attendance Committee and their officers on behalf of the committee are to be paid to the

treasurer of the union to the credit of the guardians, and to be applied in aid of the fund raised by them for the purposes of the Act.

(2.) The basis of the apportionment will be the rateable value according to the valuation lists in force for the time being, and when there is no such valuation list, according to the last Poor Rate.

In some cases the committee appointed by guardians will act for a part of a parish only, as when a parish is partly within and partly without a municipal borough. These cases are provided for by sec. 49.

With the view of enabling the guardians to determine as to the amounts which should be called for from the parishes under the jurisdiction of a School Attendance Committee of a union, the order of the Local Government Board above referred to requires that the School Attendance Committee shall, before the end of each of the usual quarter days, cause to be prepared and submitted to the guardians an estimate of the amount which in the judgment of the committee will be required in the ensuing quarter for the payment of their expenses.

For the purpose of obtaining payment of these expenses the guardians are to have the same powers as they have for the purpose of obtaining contributions to their common fund under the Poor Law Acts. As to these powers, see note to sec. 33.

As to the expenses of a School Attendance Committee appointed by an urban sanitary authority, other than the Town Council of a borough, see sec. 33.

*Provisions as to school attendance committee and appointment of local committee.*

**32.** Subject to the provisions of this Act the council or guardians may from time to time add to or diminish the number of members of a school attendance committee appointed by them (1).

A school attendance committee appointed by guardians shall act for every parish in the union which is not for the time being under any other local authority within the meaning of this Act (2).

A school attendance committee may, if they think fit, appoint different local committees for different parishes or other areas in their district for the purpose of giving the school attendance committee such aid and information in the execution of this Act as may be required by the committee appointing them, but any such local committee shall not have power to make any byelaws or take any proceeding before a court of summary jurisdiction under this Act.

A local committee may consist of not less than three persons, being, as the school attendance committee appointing them think fit, either wholly members of the council, guardians, or authority by whom that school attendance committee were appointed, or partly such members and partly other persons.

The provisions contained in the Second Schedule to this Act shall apply to every school attendance committee and local committee appointed under this Act (3).

(1.) The power of the council or guardians to increase or diminish the number of members of a School Attendance Committee will be limited by the provision in sec. 7, that the committee shall consist of not less than six nor more than twelve members. See also the provision in sec. 33 as to the appointment of members of the committee by an urban sanitary authority in certain cases.

(2.) As to the places which are to be deemed to be parishes for the purposes of the Act, see sec. 49. With regard to the term "local authority," see secs. 7 & 33.

As to the tenure of office and the filling up of casual vacancies in a School Attendance Committee, see rules in schedule 2.

(3.) See rules in schedule 2 as to local committees, and their tenure of office.

*Power to authorise appointment of school attendance committee by urban sanitary authority.*

**33.** On the application of the urban sanitary authority of an urban sanitary district which is not and does not comprise a borough, and which is co-extensive with any parish or parishes not within the jurisdiction of a school board, containing according to the last published census for the time being a population of not less than five thousand, the Education Department may by order authorise the sanitary authority of that district to appoint, and thereupon such authority may appoint, a school attendance committee, as if they were the council of a borough, and that committee, to the exclusion of the school attendance committee appointed by the guardians, shall enforce the provisions of this Act in the sanitary district, and be in that district the

local authority for the purposes of this Act, and all the provisions of this Act shall apply accordingly as if the sanitary authority were the council of a borough (1).

Provided, that the expenses (if any) of a school attendance committee appointed by an urban sanitary authority shall be paid out of a fund to be raised out of the poor rate of the parish or parishes comprised in the district of such authority, according to the rateable value of each parish, and the urban sanitary authority shall, for the purpose of obtaining payment of such expenses, have the same power as a board of guardians have for the purpose of obtaining contributions to their common fund under the Acts relating to the relief of the poor, and the accounts of such expenses shall be audited as the accounts of other expenses of the sanitary authority (2).

Any byelaws in force in an urban sanitary district, or any part thereof, before the appointment of a school attendance committee by the sanitary authority of such district shall continue in force, subject nevertheless to be revoked or altered by the school attendance committee of the sanitary authority in pursuance of section seventy-four of the Elementary Education Act, 1870, as amended by this Act (3).

Where an urban sanitary district is not and does not comprise a borough, and is not wholly within the jurisdiction of a school board, and is not within the foregoing provisions of this section, the urban sanitary authority of that district may from time to time appoint such number as the Education Department allow, not exceeding three, of their own members to be members of the school attendance committee for the union in which the district or the part thereof not within the jurisdiction of a school board is situate; and such members, so long as they are members of the sanitary authority, and their appointment is not revoked by that authority, shall be members of the school attend-

ance committee, and have the same powers and authorities as if they had been appointed by the guardians (4).

Where a school board is appointed after the commencement of this Act for any parish which forms or comprises the whole or part of an urban sanitary district in which the school attendance committee is appointed by the urban sanitary authority, such school attendance committee shall, at the expiration of two months after the election of the school board, cease to act for the urban sanitary district, and the school attendance committee appointed by the guardians shall be the local authority for so much of the urban sanitary district as is not under the school board.

All byelaws in force at the expiration of the said two months shall continue in force, subject to being revoked or altered by the local authority, in pursuance of section seventy-four of the Elementary Education Act, 1870, as amended by this Act (5).

(1.) This provision only applies to local boards and improvement commissioners acting as urban sanitary authorities under the Public Health Act, 1875. To enable a local board or improvement commissioners to appoint a School Attendance Committee the following conditions must be fulfilled:—(1) The local board district or Improvement Act district must not include a municipal borough under the Municipal Corporations Act. (2) The district must be co-extensive with one or more parishes not under the jurisdiction of a School Board. (3) The district must have a population according to the last census of not less than 5,000; and (4) the appointment of a School Attendance Committee by the sanitary authority must have been authorised by an order of the Education Department. A School Attendance Committee, when thus appointed by a sanitary authority, will be in precisely the same position and have the same powers as a School Attendance Committee appointed by the council of a borough.

(2.) The order of a board of guardians for the purpose of obtaining the contribution of a parish to their common fund is addressed to the overseers of the parish, and requires the payment to the treasurer of the guardians of a certain sum on a certain day. Where the guardians deem it desirable the sum may be ordered to be paid by instalments on days to be specified in the order.

The order must be addressed to all the overseers (including the churchwardens, when they are ex-officio overseers) by name, but it is

not necessary that the order should be served on more than one of them (12 & 13 Vict., c. 103, s. 7).

As regards the enforcement of a contribution order, the 2 & 3 Vict., c. 84, by sec. 1, provides that in every case in which any contribution by overseers or other officers of any parish of moneys required by the guardians, acting for such parish or for any union which shall include such parish, shall be in arrear, it shall be lawful for any two justices acting within the district wherein such parish shall be situate, on application under the hand of the chairman or acting chairman of the board, to summon the overseers or other officers to show cause, at a special sessions to be summoned for the purpose, why such contribution has not been paid, and after hearing the complaint preferred under the authority of such chairman or acting chairman, and on behalf of such board, if the justices at such sessions shall think fit, by warrant under their hands and seals, to cause the amount of the contribution so in arrear, together with the costs occasioned by such arrear, to be levied and recovered from the said overseers or other officers in like manner as moneys assessed for the relief of the poor may be levied and recovered, and the amount of such arrear, together with the costs as aforesaid, when levied and recovered, to be paid to the said board. Provided always that no distress made under any such warrant of justices shall be replevisable.

See also 14 & 15 Vict., c. 105, s. 9, as to the jurisdiction of justices in these cases.

(3.) The provisions of sec. 74 of the Education Act, 1870, will be found in the note appended to sec. 23.

(4.) The urban sanitary districts to which this sub-section refers are the districts of local boards and improvement commissioners acting as urban sanitary authorities under the Public Health Act, 1875. A local board district or improvement district will not come within the terms of this sub-section if it includes a municipal borough, or is wholly within the jurisdiction of a School Board, or is a district for which under the first clause of the section the sanitary authority might upon the order of the Education Department appoint a School Attendance Committee. With regard to a School Attendance Committee, appointed by the guardians, see sec. 7.

(5.) For provisions of sec. 74 of the Education Act, 1870, see note to sec. 32.

*Clerk of school attendance committee of guardians,  
and application of Acts to guardians and school  
attendance committee.*

**34.** In a union the clerk of the guardians shall be the clerk of the school attendance committee for the purposes of this Act (1).

All enactments relating to guardians and their officers and expenses, and to relief given by guardians, shall, subject to the express provisions of this Act, apply as if the guardians, including the school attendance committee appointed by them, and their officers acting under this Act, and expenses incurred, and money paid for school fees and relief given under this Act, were respectively acting, incurred, and paid and given as relief, under the Acts relating to the relief of the poor, and the Local Government Board may make rules, orders, and regulations accordingly (2).

Any expenses incurred by officers of guardians in carrying into effect section twenty of the Elementary Education Act, 1873, when paid by such guardians, may be charged by them to the parish in respect of which such expenses are incurred (3).

(1.) Under the Union Assessment Committee Act, 1862, the clerk or "assistant clerk" of the board of guardians is to act as the clerk to the assessment committee, and under the Public Health Act, 1875, the clerk to the guardians is to be clerk to the rural sanitary authority, with the proviso that if the clerk is unable or unwilling to undertake the additional duties, the assistant clerk of the union shall be appointed to discharge the same. Under the present Act, it would seem that the clerk to the guardians will have no alternative but to act as the clerk of the School Attendance Committee, appointed by the guardians.

As to the duties and remuneration of the clerk to the guardians as the clerk to the School Attendance Committee, see arts. 2, 9, 10, 11, & 16 of order of the Local Government Board of 14th April, 1877 (appendix, p. 163).

(2.) The Local Government Board, under the powers conferred on them by this section, have issued two orders, one containing regulations as to the proceedings of guardians and their officers in relation to the payment of the school fees of non-pauper children (see secs. 10 & 35) and the other containing regulations as to the proceedings of School Attendance Committees appointed by guardians. These orders will be found in the appendix, pp. 145, 163.

(3.) The 20th section of the Elementary Education Act, 1873, is as follows:—

"Notices and other matters required by the Elementary Education Acts, 1870 and 1873, to be published shall, unless otherwise expressly provided, be published either by advertisement, and by affixing the

same on the doors of churches and chapels, and other public places, or in such other manner as the Education Department may either generally or with respect to any particular district, place, or notice, or class of districts, places, or notices, by order determine, as being in their opinion sufficient for giving information to all persons interested; and all overseers, assistant overseers, and officers of guardians shall comply with the directions of the Education Department with respect to such notices, and any expenses incurred by them in carrying into effect this section may be paid as their expenses under the Acts relating to the relief of the poor."

The provision now made as to the expenses incurred by officers of guardians under the above section will meet the question which has frequently arisen as to whether the expenses should be charged on the common fund of the union, or to the parish in respect of which the notices were published.

*Charge to parish of money for school fees.*

**35.** Money given under this Act for the payment of school fees for any child of a parent who is not a pauper and is resident in any parish shall be charged by the guardians having jurisdiction in such parish to that parish with other parochial charges.

As to the payment by guardians of school fees for non-pauper children, see sec. 10.

For regulations issued by the Local Government Board with regard to the proceedings of guardians and their officers in respect to the payment of the school fees in these cases, see appendix, p. 145.

*Effect of subsequent appointment of school board.*

**36.** Where a school board is appointed after the commencement of this Act for any school district, the authority acting at the time of such appointment as the local authority under this Act shall continue so to act until the expiration of two months after the election of such board, and shall then cease so to act for such district; nevertheless, all byelaws previously made by the local authority shall continue in force, subject to being revoked or altered in respect of that district by the school board in pursuance of section seventy-four of the Elementary Education Act, 1870.



The provisions of sec. 74 of the Education Act, 1870, are set forth in the note to sec. 23.

### LEGAL PROCEEDINGS.

*Application of 36 & 37 Vict., c. 86, ss. 23—5, to penalties and punishment for fraudulently obtaining payment of fees.*

**37.** Sections twenty-three, twenty-four, and twenty-five of the Elementary Education Act, 1873 (which provisions relate to legal proceedings, and the forgery of certificates), shall so far as applicable apply in the case of offences and penalties under this Act, and proceedings for such offences and penalties and of certificates for the purposes of this Act, in like manner as if those sections were enacted in this Act and in terms made applicable thereto (1).

And every person who shall fraudulently obtain or enable or procure any other person to obtain from any school board or local authority payment, or remission of payment, or an order for payment, or remission of payment of any school fees, shall be liable on summary conviction to imprisonment for a period not exceeding fourteen days (2).

An order which a court of summary jurisdiction have authority to make in pursuance of this Act may be made in manner provided by the Summary Jurisdiction Acts (3).

(1.) Secs. 23, 24, & 25 of the Elementary Education Act, 1873, are as follows:—

Sec. 23. "All offences and penalties under the principal Act or this Act, or any byelaw under the principal Act, which may be prosecuted or recovered on summary conviction, may be prosecuted and recovered in manner provided by the Summary Jurisdiction Acts.

"The Court of Summary Jurisdiction, when hearing and determining an information or complaint, shall be constituted either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered

by law to do alone any act authorised to be done by more than one justice of the peace."

Sec. 24. With respect to proceedings before a court of summary jurisdiction for offences and penalties under the principal Act, or this Act, or any byelaw under the principal Act, the following provisions shall have effect :—

1. The description of the offence in the words of the Act or byelaw, or as near thereto as may be, shall be sufficient in law :

2. Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in the Act or byelaw, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant :

3. In any proceeding for an offence under a byelaw, the court may, instead of inflicting a penalty, make an order directing that the child shall attend school, and that if he fail so to do, the person on whom such order is made shall pay a penalty not exceeding the penalty to which he is liable for failing to comply with the byelaw :

4. Any justice may require by summons any parent or employer of a child, required by a byelaw to attend school, to produce the child before a court of summary jurisdiction, and any person failing, without reasonable excuse to the satisfaction of the court, to comply with such summons shall be liable to a penalty not exceeding twenty shillings :

5. A certificate purporting to be under the hand of the principal teacher of a public elementary school, stating that a child is or is not attending such school, or stating the particulars of the attendance of a child at such school, or stating that a child has been certified by one of Her Majesty's inspectors to have reached a particular standard of education, shall be evidence of the facts stated in such certificate :

6. Where a child is apparently of the age alleged for the purposes of the proceeding, it shall lie on the defendant to prove that the child is not of such age :

7. If a child is attending an elementary school which is not a public elementary school, it shall lie on the defendant to show that the school is efficient, and the court, in considering whether any elementary school is efficient, shall have regard to the age of the child and to the standard of education corresponding to such age prescribed by the minutes of the Education Department for the time being in force with respect to the parliamentary grant :

8. Where a School Board are, by reason of the default of the managers or proprietor of an elementary school, unable to ascertain whether a child, who is resident within the district of such School Board and attends such school, attends school in conformity with a byelaw made by such School Board, it shall lie on the defendant to show that the child has attended school in conformity with the byelaw :

9. Any person may appear by any member of his family or any other person authorised by him in this behalf.

Sec. 25. Every person who forges or counterfeits any certificate which is by this Act made evidence of any matter, or gives or signs any such certificate which is to his knowledge false in any material particular, or, knowing any such certificate to be forged, counterfeit or false, makes use thereof, shall be liable on summary conviction to imprisonment for a period not exceeding three months, with or without hard labour.

(2.) This provision, it will be observed, provides for cases where payment or remission of payment, or an order for payment or remission of payment of any school fees is fraudulently obtained from a School Board or "local authority." A "local authority" for the purposes of the Act is the School Attendance Committee provided for by secs. 7 & 33, but the School Attendance Committee are not empowered to pay or remit the payment of school fees. The guardians alone are authorised by the Act to pay the fees, whether of pauper or non-pauper children, and the guardians, it would seem, are not a "local authority" within the meaning of the statute.

It will also be borne in mind that sec 25 of the Education Act of 1870 having been repealed by this Act, the power of a School Board to pay school fees has ceased. This provision, therefore, can only apply to cases where the remission of payment or an order for the remission of payment is fraudulently obtained from a School Board.

(3.) The Summary Jurisdiction Acts are defined as meaning the 11 & 12 Vict., c. 43, inclusive of any amending Acts.

The term "Court of Summary Jurisdiction" means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts.

*No prosecutions except with the authority of two members of a school board, or local authority.*

**38.** No legal proceedings for non-attendance or irregular attendance at school shall be commenced in a court of summary jurisdiction, by any person appointed to carry out the compulsory byelaws of a school board or local authority, except by the direction of not less than two members of a school board or school attendance committee.

As to the appointment of officers for this purpose by a School Attendance Committee, see secs. 28 & 31.

*Exemption of employer on proof of guilt of some other person.*

39. Where the offence of taking a child into employment in contravention of this Act is in fact committed by an agent or workman of the employer, such agent or workman shall be liable to a penalty as if he were the employer.

Where a child is taken into employment in contravention of this Act on the production by or with the privity of the parent of a false or forged certificate, or on the false representation of his parent that the child is of an age at which such employment is not in contravention of this Act, that parent shall be liable to a penalty not exceeding forty shillings.

Where an employer charged with taking a child into his employment in contravention of this Act proves that he has used due diligence to enforce the observance of this Act, and either that some agent or workman of his employed the child without his knowledge or consent, or that the child was employed either on the production of a forged or false certificate and under the belief in good faith in the genuineness and truth of such certificate, or on the representation by his parent that the child was of an age at which his employment would not be in contravention of this Act and under the belief in good faith in such representation, the employer shall be exempt from any penalty.

Where an employer satisfies the local authority, inspector, or other person about to institute a prosecution that he is exempt under this section by reason of some agent, workman, or parent being guilty, and gives all facilities in his power for proceeding against and convicting such agent, workman, or parent, such authority, inspector, or person shall institute proceedings against such agent, workman, or parent, and not against the employer.

The provisions in this Act regulating the employment of children are those contained in secs. 5 & 51.

The employer will be exempt from the penalty when he employs a child on the representation by the parent that the child is of an age at which he may be lawfully employed, and under the belief in good faith in the representation; but he will have no such exemption if he acts on the representation of the child. The parent is liable to a penalty for making a false representation, but no penalty attaches to a child who falsely represents his age. It is clear that it was intended that an employer should only accept the representation as to the age of a child from some responsible person, and that if he should dispense with this it should be at his own risk.

As to the definition of the term "parent," see p 20.

#### MISCELLANEOUS.

##### *Adaptation of 36 & 37 Vict., c. 86, s. 3, respecting pauper children to this Act.*

40. Whereas by section three of the Elementary Education Act, 1873, provision is made respecting the payment by guardians of the fees of pauper children, and with the view to adapt the said section to the provisions of this Act it is expedient to substitute for the said section the enactment following: Be it therefore enacted as follows:—

Where relief out of the workhouse is given by the guardians or their order, by way of weekly or other continuing allowance to the parent of any child above the age of five years who has not reached the standard in reading, writing, and arithmetic, prescribed by standard three of the code of one thousand eight hundred and seventy-six, or who for the time being either is prohibited by this Act from being taken into full time employment, or is required by any byelaw under section seventy-four of the Elementary Education Act, 1870, as amended by this Act, to attend school, or to any such child, it shall be a condition for the continuance of such relief that elementary education in reading, writing, and arithmetic shall be provided for such

child, and the guardians shall give such further relief (if any) as may be necessary for that purpose (1).

Any such relief to a parent as above mentioned shall not be granted on condition of the child attending any public elementary school other than such as may be selected by the parent, nor refused because the child attends or does not attend any particular public elementary school (2).

The guardians shall not have power under this section to give any relief to a parent in order to enable such parent to pay more than the ordinary fee payable at the school which he selects, or more than the fee which under this Act they can enable a parent to pay in any other case (3).

All relief given by guardians under this section shall be deemed to be relief within the meaning of the Acts relating to the relief of the poor, and shall be paid out of their common fund, and where given by the guardians of any union in the metropolis as defined by the Metropolitan Poor Act, 1867, shall be deemed to be expenses payable from the Metropolitan Common Poor Fund within the meaning of section sixty-nine of that Act, and shall be repaid to such guardians accordingly (4).

(1.) This section, it will be noticed, only brings within its provisions cases where relief "is given by the guardians or their order," and will not therefore apply to cases of "sickness or accident requiring relief by medical attendance," or cases "of sudden or urgent necessity" where the relieving-officer on his own discretion, between the meetings of the guardians, grants the relief that is required. Neither will it apply to cases where the relief is administered by the overseers. The relief, to bring the case within the terms of the section, must also be given "by way of weekly or other continuing allowance." The Local Government Board stated with reference to the corresponding provision in the Education Act, 1873, that "where relief is given by or on the order of the guardians by weekly allowances, or where relief is given by them or on their order for a period exceeding the interval between the ordinary meetings of the board of guardians, it appears to the board to be within the meaning of the Act."

For definition of the term "parent," see note to sec. 4. The term

"child" is defined by sec. 48 as meaning a child between the ages of five and fourteen years. The section in the Education Act of 1873 only applied to children between the ages of five and thirteen.

The effect of this clause appears to be that in order to justify the guardians in giving out-door relief to the parent of any child over five and under fourteen years of age, or to any such child for whom elementary education in reading, writing, and arithmetic is not provided, it is necessary that such child shall have reached the Third Standard of 1876, that there shall be no prohibition under this Act against his being taken into full time employment, and that he shall not be required by any byelaw under the Education Acts to attend school. It will be observed that though a child may not be prohibited by the Act from being taken into full time employment, out-door relief cannot be given unless the other conditions above referred to are complied with.

The term "reached the standard" is interpreted by the Education Department as "meaning having passed the examination of the standard prescribed."

For Standard Three, prescribed by the code of the Education Department, see appendix, p. 141.

As to the children who are prohibited from being taken into full time employment, see secs. 5 & 51.

The provisions of sec. 74 of the Education Act, 1870, as to byelaws will be found in the note to sec. 23. For amendments by this Act, see secs. 21, 22, & 23.

Relief given in contravention of this enactment will be illegal, and will consequently be liable to be disallowed by the auditor. The question, therefore, arises, what course is to be adopted by a relieving-officer in a case where relief has been ordered on the condition of the children of the pauper attending school, and the children, without any reasonable excuse, have not so attended, and the relieving-officer is satisfied that the continuance of the relief is absolutely necessary. The Local Government Board stated, with reference to the Act of 1873, "that, if the relieving-officer finds that the children have not attended school during the week in accordance with the statute, he cannot lawfully give to the parent any further relief under the relief order of the guardians; but when the relief is discontinued, it will be competent for him, if the case is one of sudden or urgent necessity, to grant relief in kind to the pauper on his own discretion, as in other cases of sudden or urgent necessity." The case will then be reported by him to the guardians at their next meeting, for their directions.

(2.) For definition of "public elementary school," see note to sec. 7.

In some instances managers of public elementary schools have been unwilling to admit children whom the guardians proposed to send to their schools, on the ground of the children being unruly or of dirty habits, or for other similar reasons. One of the conditions of the payment of the parliamentary grant to a public elementary school is, that the Education Department shall be satisfied "that no child is refused admission to the school on other than reasonable grounds." In any

case, therefore, in which the guardians consider that admission is improperly refused, the facts may be brought under the notice of the Education Department, in order that the question may be decided by them.

The guardians generally prefer paying the school fees direct to the school teacher instead of to the parent, in consequence of their fear that the amount may not unfrequently be misapplied. On this subject the Local Government Board have stated:—"As regards the payment of school fees, the following plan, which has been adopted by several boards of guardians, appears to them to be well calculated to give effect to the provisions of the Act. The relieving-officer of each district is supplied with tickets containing spaces for the insertion of the name of the child, the school selected for it, and the number of attendances. The name of the child and of the school is filled in by the relieving-officer, and the number of attendances by the schoolmaster, and certified by his signature. Each recipient of relief who has a child is supplied weekly with a ticket for the child, filled up by the relieving-officer (as before stated), and the ticket issued by the relieving-officer in the one week is returned to him signed by the schoolmaster in the following week, when, if necessary, a fresh ticket is given to the pauper in exchange for it. The relieving-officer keeps an account of the number of attendances, and certifies the correctness of the school bill when presented for payment at the end of each quarter, or half year, as the case may be, and the amount is then paid by the guardians direct to the schoolmaster. It must, however, be distinctly understood that the school for the child is to be selected by the parent and not by the board of guardians or the relieving-officer."

The Darlington guardians adopted this plan, and arranged to pay the fees to the school managers at the end of each quarter. This arrangement was objected to by one of the guardians, who considered that it was invidious for the pauper children not to be provided with the school fees like other children, and that it caused the children needless annoyance. He contended that the guardians were bound to pay the money direct to the pauper, and an application was made at his instance to Mr. Justice Blackburn on the 27th July, 1874, for a writ of *certiorari* to remove the accounts of the guardians into the Court of Queen's Bench in order to test the validity of the payment of the school fees to the school managers. The learned judge, however, refused the writ, observing that he could not see what difference it made whether the money was paid to the school managers or to the parent. Subsequently, the district auditor having allowed in the accounts of the guardians the fees paid direct to the teachers of the schools, application was made, on behalf of the guardian referred to, to the Court of Queen's Bench for a rule calling on the auditor and the guardians to show cause why a writ of *certiorari* should not issue to bring up the school fees account, together with the allowance by the auditor and his reasons for the allowance. The Lord Chief Justice (Cockburn) said that all that the Act was passed to secure was, that



where parents were in a condition of pauperism, and could not find the money to get their children educated, in order to insure the education of the children, the guardians should find the money necessary for that purpose. This might be done either by paying the money to the parents, or by paying the school fees for the children, as was done here; as to adopting the one course or the other, it was left in the discretion of the guardians under the particular circumstances of each case to do what they thought most beneficial. There may in this particular instance be no danger of diversion of the money to other purposes; but cases might arise where persons of bad character, and of bad habits and mode of life, might misapply the money given for the school fees. With regard to the alleged hardship on the children, it did not appear to be unjust that children who were the children of paupers should be looked upon as being in that position at school, just as they would be anywhere else. The rule was accordingly refused. *Re The Guardians of the Darlington Union*, 32 L. T., N. S. 320.

Cases have occasionally occurred in which the teachers of public elementary schools have declined to fill up the attendance cards, unless the guardians remunerated them for doing so. The Local Government Board have stated that they are not aware of any legal authority under which the guardians could allow the remuneration, if they were disposed to pay the teachers for this service. The Education Department have taken a view adverse to the claims of the teachers. They have said that they consider that "the teachers of public elementary schools may fairly be required to fill up the school cards with the names and attendances of children of out-door paupers for whom payment is made by the guardians, but not with the causes of non-attendance, which the teacher, as a rule, could not ascertain without personal inquiry at the house of the parent."

(3.) Under the Act of 1873 the maximum school fee which the guardians could pay was 2½d. per week, that is to say ½d. for each of the ten attendances. The guardians may, under the present Act, pay the ordinary fee payable at the school, not exceeding threepence per week.

As to the mode in which the school fees paid by the guardians are to be entered in the union accounts and the accounts of the relieving-officers, the Local Government Board have stated as follows:—"In cases where an order is made for the school fees to be paid to the parent by the relieving-officer, a separate entry, showing the amount granted for the educational relief, should be made, in his application and report book, and in the out-relief list. The amount so paid to the parent must be entered in the relief list as other money payments for relief. Whether the relieving-officer should distinguish this payment from the residue of the money is a question which the Board consider may properly be left to the determination of the guardians. If the relieving-officer pays it in this way out of the money advanced to him for relief, the Board do not see that a separate entry is required to be made in the ledger, though it may perhaps be an advantage if the amount be separately shown. If, however, the amount be

paid by the relieving-officer or by the guardians to the schoolmaster or the school managers on a quarterly or other periodical account, a separate entry should be made in the ledger."

Although the guardians will not be empowered to pay as the school fee a sum beyond that specified, they will not be precluded from allowing additional relief to the parent when in consequence of the loss of earnings of a child through the child's attendance at school the relief previously allowed becomes insufficient for the necessities of the family; neither will the clause preclude their granting relief for the purpose of providing such clothing as may be proper for the child's attendance at school, when such relief is necessary.

(4.) The effect of this section, so far as the metropolis is concerned, is to make the cost of the relief given for the education of the children of out-door paupers a charge upon the entire metropolis instead of the particular union or parish in which the relief is administered. The charges upon the common poor fund, out of which the educational relief given by boards of guardians in the metropolis will be defrayed, are borne by the unions and parishes, including the Inns of Court and other places not under a board of guardians, in proportion to their annual rateable value.

#### *Dissolution of school board under certain circumstances.*

**41.** Where application for the dissolution of a school board is made to the Education Department by the like persons and in the like manner as an application for the formation of a school board, under section twelve of the Elementary Education Act, 1870, nevertheless by a majority of not less than two-thirds of those who shall vote upon the occasion (1), and the Education Department are satisfied that no school and no site for a school is in the possession or under the control of the school board, and that there is a sufficient amount of public school accommodation for the district of the school board (2), and no requisition has been sent by the Education Department to such school board under section ten of the Elementary Education Act, 1870, requiring them to supply public school accommodation, it shall be the duty of the Education Department to take the circumstances of the case into consideration, and if they shall be of opinion that the

maintenance of a school board is not required for the purposes of education in the district, it shall be lawful for the Education Department, after such notice as they think sufficient, to order the dissolution of the school board: Provided always, that no application shall be made for the dissolution of a school board except within six months before the expiration of the period for which the school board has been elected, and no order for the dissolution of such school board shall take effect until after the expiration of such period, except that after the order is made an election of members of that board shall not be held.

The Education Department by any such order shall make provision for the disposal of all money, furniture, books, documents, and property belonging to the school board, and for the discharge out of the local rate of all the liabilities of the board, and such other provisions as appear to the Department necessary or proper for carrying into effect the dissolution of the board.

The Education Department shall publish the order in manner directed by the Elementary Education Act, 1873, with respect to the publication of notices, and after the date of such publication, or any later date mentioned in the order, the order shall have effect as if it were enacted by Parliament, without prejudice nevertheless to the subsequent formation of a school board in the same school district; all byelaws previously made by the school board shall continue in force, subject nevertheless to be revoked or altered by the local authority under this Act: Provided, that if after the dissolution of a school board in any school district the Education Department are of opinion that there is not a sufficient amount of public school accommodation in such school district, they may after due notice cause a school board to be formed for such school district, and send a requisition to such school

board in the same manner in all respects as if they had published a final notice under the Elementary Education Act, 1870.

The Education Department shall in each case where it shall assent to the dissolution of a school board lay before both Houses of Parliament a statement of its reasons for giving such assent.

(1.) The application for the dissolution of a School Board, it will be observed, may be made by the like persons and in the same manner as an application for the formation of a School Board under sec. 12 of the Education Act, 1870, subject to the condition that there shall be a majority of not less than two-thirds of those voting on the occasion. Sec. 12 of the Act referred to provides that application for the formation of a School Board may be made "with respect to any school district by the persons who if there were a School Board in that district would elect the School Board, or, with respect to any borough, by the Town Council." There is a further provision that an application for the purposes of this section may be made by a resolution passed by the said electing body, after notice published at least a week previously, or by the council, and that the provisions of the second part of the second schedule to the Act with respect to the passing of such resolution shall be observed. The rules in the schedule referred to are to the following effect:—

1. The meeting of a council for the purpose of passing such a resolution shall be summoned in the manner in which a meeting of the council is ordinarily summoned, and the resolution shall be passed by a majority of the members present and voting on the question.

2. The resolution passed by the persons who would elect the School Board shall be passed in like manner, as near as may be, as that in which a member of the School Board is elected, with such necessary modifications as may be contained in any order issued by the Education Department in the matter.

The regulations issued by the Education Department with regard to applications by ratepayers for the formation of School Boards will be found in the appendix, p. 134.

(2.) "Public school accommodation" means accommodation in "public elementary schools." For definition of "public elementary schools," see note to sec. 7. The Education Act of 1870, by sec. 5, requires that "there shall be provided for every school district a sufficient amount of accommodation in public elementary schools available for all the children resident in such district for whose elementary education efficient and suitable provision is not otherwise made."

In the case of a school giving efficient elementary education but not a "public elementary school," no part of the accommodation afforded by the school can be properly excluded from the estimate

of the available school provision of the district, unless it can be shown that the accommodation is in excess of the wants of the denomination to which the school belongs.

It will be observed that it is not requisite that the school accommodation should be within the district, provided it is "available" for the children resident in the district.

With respect to the proportion of the population of a parish for which school accommodation should be provided, it is estimated as a general rule that the children of the class for which elementary school accommodation is required constitute one-sixth of the population. That rule was acted upon for many years in cases where building grants were made by the Education Department, and has generally been found not only theoretically but practically accurate. The rule is of course subject to modifications in districts where the circumstances are exceptional and the Education Department, in determining whether there is "efficient and suitable provision" in a particular district within the meaning of this section, are guided by the returns furnished and the reports of their inspectors.

When the actual population between the ages of three and thirteen has been ascertained, it is usual in determining the amount of school accommodation required to make a deduction of one-seventh, that being the estimated proportion of children of the middle and upper classes, and a further deduction of from 10 to 15 per cent., say 12½ per cent., or one-eighth, in respect of children who will be absent from school for unavoidable causes.

It is usually estimated that the school accommodation should be in the proportion of three-fifths for children of above seven years of age and two-fifths for children less than that age.

As to the provision in the Education Act of 1873, with respect to the publication of notices, see note to sec. 34.

*Provision of offices by school board with consent of  
Education Department.*

42. Where a school board satisfy the Education Department that, having regard to the large population of the district of such board, it is necessary or proper that the board should provide an office, the Education Department may authorise the board to provide an office, and the board shall for that purpose have the same power as they have under the Elementary Education Acts, 1870 to 1873, for the purpose of providing sufficient school accommodation for their district, including the power of borrowing money under section ten of the Elementary Education Act,

1873, and the provision of such office shall be deemed to be a work for which a school board is authorised to borrow within the meaning of the Public Works Loans Act, 1875.

Some inconvenience has been occasioned in certain populous School Board districts, in consequence of there having been no power vested in the School Board to erect an office. In the case of the School Board of London it was requisite to obtain a special Act to empower the School Board to erect the necessary buildings. This difficulty will now be removed. The School Boards will be empowered, with the sanction of the Education Department, to provide offices by "building or otherwise," and to borrow for the purpose. When the requirements of the Public Works Loans Act have been complied with, and the recommendation of the Education Department has been obtained, the Public Works Loan Commissioners may advance the amount required in like manner as in the case of a school, at interest at the rate of 3½ per cent. per annum.

*Local authority to send returns.*

43. The local authority under this Act (although not a school board) shall send to the Education Department such returns and information respecting their proceedings under this Act, and respecting matters on which school boards can be required under the Elementary Education Act, 1870, to make returns, as the Education Department from time to time require.

The Education Act, 1870, by sec. 95, enacts that "every School Board shall make such report and returns and give such information to the Education Department as the department may from time to time require."

*Amendment of 33 & 34 Vict., c. 75, as to elections to fill casual vacancies in school board.*

44. From and after the passing of this Act the Elementary Education Act, 1870, shall be construed as if there were substituted for the rule numbered fifteen in the first part of the second schedule to that Act, which is repealed by this Act, the rule in the third schedule to this Act; and any reference to the said second schedule or the first part thereof shall be

construed to refer to the same with the rule so substituted, but the said substitution shall not affect anything done before the passing of this Act.

This is the only clause in the Act which took effect immediately on the passing of the Act. The rule which is now repealed provided that in the case of a casual vacancy in the office of member of a School Board, occurring by death, disqualification, or otherwise, the election to supply the vacancy should be by the ratepayers of the parish, or the burgesses of the borough, as the case might be. For the substituted provision, see page 98.

*Application of 33 & 34 Vict., c. 75, ss. 83, 84, to orders and documents of Education Department.*

**45.** The provisions of the Elementary Education Act, 1870, with respect to orders and documents of the Education Department, shall apply to all orders and documents of the Education Department under this Act.

The Education Act of 1870, by sec. 83, provides as follows :—

“ All orders, minutes, certificates, notices, requisitions, and documents of the Education Department, if purporting to be signed by some secretary or assistant secretary of the Education Department, shall, until the contrary is proved, be deemed to have been so signed and to have been made by the Education Department, and may be proved by the production of a copy thereof purporting to have been so signed.”

The Documentary Evidence Act, 1868, shall apply to the Education Department in like manner as if the Education Department were mentioned in the first column of the schedule to that Act, and any member of the Education Department, or any secretary or assistant secretary of the Education Department, were mentioned in the second column of that schedule.

By the Documentary Evidence Act, 1868, *prima facie* evidence of any order or regulation issued by the Privy Council, or by or under the authority of any such department of the Government or officer, as is mentioned in the first column of the schedule to the Act, may be given in all courts of justice, and in all legal proceedings, by the production—

- (1) of the *London Gazette* containing a copy of the order or regulation ; or
- (2) of a copy of the order or regulation purporting to be printed by the Government printer ; or,
- (3) in the case of an order or regulation issued by the Privy Coun-

cil, of a copy or extract purporting to be certified to be true by the clerk of the Privy Council, or by some one of the lords or others of the Privy Council, and in the case of any order or regulation issued by or under the authority of any of the departments or officers above referred to, of a copy or extract purporting to be certified to be true by the person or persons specified in the second column of the schedule in connection with such department or officer.

No proof is to be required of the handwriting or official position of any person certifying, in pursuance of the Act, to the truth of any copy of or extract from an order or regulation.

The 84th section of the Education Act, 1870, contains the following further provision :—

“After the expiration of three months from the date of any order or requisition of the Education Department under this Act, such order or requisition shall be presumed to have been duly made, and to be within the powers of this Act, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.”

#### *Effect of schedules.*

**46.** The schedules to this Act shall have effect as if they were enacted in the body of this Act.

#### *Definition of employment in case of parent.*

**47.** A parent of a child who employs such child in any labour exercised by way of trade, or for the purposes of gain, shall be deemed for the purposes of this Act to take such child into his employment.

As to the prohibition of the employment of children, see secs. 5, 6, 9, and 51.

#### *General definitions.*

**48.** A child in this Act means a child between the ages of five and fourteen years.

Terms in this Act shall, so far as is consistent with the tenor thereof, have the same meaning as in the Elementary Education Acts, 1870 and 1873.

The term “certified efficient school” in this Act means a public elementary school, and any workhouse school certified to be efficient by the Local Government Board, and any public or state-aided elementary school in Scotland, and any national school in Ireland,



and also any elementary school which is not conducted for private profit, and is open at all reasonable times to the inspection of Her Majesty's Inspectors, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as may be for the time being required by the Education Department, and is certified by the Education Department to be an efficient school.

The term "Factory Acts" in this Act, where the Factory Act of any particular year is not referred to, means the Factory Acts, 1833 to 1874, as amended by this Act, and includes the Workshop Acts, 1867 to 1871, as amended by this Act, and any Acts for the time being in force regulating factories and workshops.

The term "Secretary of State" means one of Her Majesty's Principal Secretaries of State.

The rules which the Education Department have laid down with respect to the conditions under which they will be prepared to recognize as "certified efficient schools" under this section those elementary schools which do not seek annual aid and are not inspected by the officers of other departments of the state, together with a circular letter of instructions to Her Majesty's Inspectors of Schools, will be found in the appendix, p. 113.

No general rules have been prescribed by the Local Government Board with regard to the conditions on which workhouse schools will be certified by them as efficient schools. The board are, however, furnished by their inspectors with reports on the several workhouse schools, and they will probably be guided by these reports in determining whether or not a particular school should be certified under this section.

As to Factory Acts, see sec. 8 and p. 101.

#### *Provision as to part of a parish.*

49. A part of a parish which by or in pursuance of the Elementary Education Acts, 1870 and 1873, is constituted a separate school district shall be deemed to be a separate school district, and so far as necessary a separate parish by itself for the purposes of this Act, and the provisions of those Acts respecting such part of a parish shall apply, and for the purposes of those

Acts and this Act the overseers of the entire parish shall be deemed to be the overseers of such part of a parish, and a rate in the nature of a poor rate may be levied therein by such overseers either as a separate rate or as an addition to the poor rate, and shall be deemed to be the local rate; and the guardians shall for the purposes of this Act have the like power of obtaining payment of a contribution from the said part of a parish as they have of obtaining a contribution from the whole parish.

As to the cases in which part of a parish is to be deemed to be a separate school district, see note to sec. 19.

*Construction of this Act with other enactments.*

**50.** Where any act, neglect, or default is punishable under this Act and also under any other enactment, or any byelaw made by a school board or other local authority for the time being in force, proceedings may be instituted in respect of such act, neglect, or default under this Act or such other enactment or byelaw, in the discretion of the authority or person instituting the proceedings, so that proceedings under one enactment or byelaw only be instituted in respect of the same act, neglect, or default; and any byelaw made either before or after the commencement of this Act, by any school board or other local authority under section seventy-four of the Elementary Education Act, 1870, if otherwise valid, shall not be rendered invalid by reason that it is more stringent than the provisions of this Act; and nothing in this Act shall prejudice the effect of or derogate from any provision relating to the committal of children to industrial schools or the employment of children contained in any previous Act of Parliament which may be more stringent in its provisions than this Act.

In connection with this clause, see note to sec. 11 as to the case of *The London School Board v. Murphy*, pp. 35, 36.

As to the Factory Acts, see note to sec. 8 and p. 101.

*Temporary modification as to application of Act, and saving for children in employment at passing of Act.*

**51.** The provisions of this Act with respect to taking children into employment,

- (1.) Shall, during twelve months after the commencement of this Act, apply to children of the age of nine years and upwards as if they were of the age of ten years and upwards; and,
- (2.) Shall not apply to any child who has attained the age of eleven years before the commencement of this Act.

A child lawfully employed at the passing of this Act may continue to be employed or may obtain fresh employment at another place in like manner as if this Act had not passed.

As to the regulations with regard to the employment children, see sec. 5.

*Repeal of Acts.*

**52.** The Acts mentioned in the fourth schedule to this Act are hereby repealed as from the commencement of this Act, to the extent in the third column of that schedule mentioned.

The repeal of any enactment by this Act shall not affect anything previously done or suffered in pursuance of that enactment, and every offence against that enactment may be prosecuted, and any penalty thereunder recovered and any remedy or legal proceeding for anything done in pursuance of that enactment may be had and carried on in like manner as if this Act had not passed.

## PART II.

*Application of the Act to Scotland.*

**53.** In the application of this Act to Scotland the following provision shall have effect:

The provisions of this Act, with respect to the conditions to be fulfilled by schools in order to obtain an annual parliamentary grant, shall apply to Scotland.

## SCHEDULES.

## FIRST SCHEDULE

## STANDARDS OF PROFICIENCY IN READING, WRITING, AND ELEMENTARY ARITHMETIC AND PREVIOUS DUE ATTENDANCE AT SCHOOL.

FOR THE PURPOSE OF EMPLOYMENT.<sup>1</sup>

(1.) The standard of proficiency in reading, writing, and elementary arithmetic for the purpose of a certificate under this Act enabling a child to be employed shall be—

(a.) The standard of reading, writing, and elementary arithmetic fixed by standard four of the Code of 1876, or any higher standard.

Standard four of the code of 1876 will be found in the appendix, p. 142.

As to the arrangements for the examinations for certificates of proficiency, and the conditions on which these certificates will be granted, see minute of Education Department (arts. 12—19, pp. 124—126).

(2.) The standard of previous due attendance at a certified efficient school for the purpose of a certificate under this Act enabling a child to be employed shall be two hundred and fifty attendances after five years of age in not more than two schools during each year for five years, whether consecutive or not :

As to definition of "attendances," see note to sec. 19, and rule 11 of schedule.

For definition of "certified efficient school," see sec. 48.

<sup>1</sup> As to the provisions with reference to standards of proficiency in reading, writing, and arithmetic, for the purpose of employment, see sec. 5.

With respect to the arrangements for obtaining certificates of school attendance, see minute of Education Department (arts. 5—11, pp. 123, 124).

(3.) During the four years next after the commencement of this Act the standards for the purpose of enabling a child to be employed shall, instead of the foregoing standards, be those shown in the following table:—

During the Year	The Standard of Proficiency shall be the Standard of Reading, Writing, and Arithmetic, fixed by the following Standard of the Code of 1876, or any higher standard, namely.	The Standard of previous due Attendance shall be	
		The following Number of Attendances.	In not more than Two Schools during each year for the following Number of Years, whether consecutive or not.
1877	Second - - -	250	Two.
1878	Second - - -	250	Two.
1879	Third - - -	250	Three.
1880	Third - - -	250	Four.

Provided that—

(a.) In the case of a school district in which for not less than three years before the commencement of this Act byelaws have been in force requiring, as a condition of total or partial exemption of a child from attendance at school, that such child must have passed a standard of proficiency corresponding to the fourth standard of the Code of 1876, or any higher standard, the same or a corresponding standard of proficiency (but not exceeding the standard which, under this schedule, will be required after four years from the commencement of this Act) shall

be required for the purpose of a certificate under this Act enabling a child to be employed.

For standards two, three and four of the code of 1876, see appendix, p. 141.

The standard of proficiency in reading, writing, and elementary arithmetic which will be required after the expiration of the four years from the date of the commencement of the Act (1st January, 1877), provided for by rule 3, will be that prescribed by rule 1, viz., "the standard 4 of the code of 1876, or any higher standard."

- (b.) Where a child has been lawfully taken into employment in any year in consequence of having obtained a certificate in accordance with the above table, such child may in any subsequent year be taken into employment without any further certificate, notwithstanding that under the table a certificate requiring a higher standard is required for that year.

#### FOR THE PURPOSE OF THE PAYMENT OF FEES.<sup>1</sup>

(4.) The standard of proficiency in reading, writing, and elementary arithmetic for the purpose of a certificate under this Act, with a view to allow of the payment of fees by the Education Department, shall be the standard of reading, writing, and elementary arithmetic fixed by standard four of the Code of 1876, or such higher standard as may be from time to time fixed by the Education Department, and shall include any standard higher than the one fixed by this rule, or than the one for the time being fixed by the Education Department:

Standard four of the code of 1876 will be found in the appendix, p. 142.

The regulations which have been made by the Education Depart-

<sup>1</sup> As to the provisions with reference to standards for the purpose of the payment of fees, see sec. 18.

ment with regard to honour certificates and the payment of school fees will be found in the appendix, p. 128.

(5.) The standard of previous due attendance at a public elementary school for the purpose of a certificate under this Act, with a view to allow of the payment of fees by the Education Department, shall be three hundred and fifty attendances after five years of age in not more than two schools during each year for five years, or such larger number of attendances as may be for the time being fixed by the Education Department.

As to definition of "attendances," see note to sec. 19, and rule 11 of schedule.

For definition of "public elementary school," see note to sec. 7.

(6.) Provided that in each of the four years next after the commencement of this Act the standard of previous due attendance shall, in lieu of the foregoing standard, be that shown in the following table:

During the Year	The Standard of previous due Attendance shall be	
	The following Number of Attendances.	In not more than Two Schools during each year for the following Number of Years.
1877	350	Two.
1878	350	Two.
1879	350	Three.
1880	350	Four.

(7.) The Education Department may from time to time by order make, and when made revoke and vary, such regulations and conditions in relation to the payment of fees under this Act by that Department as they may think expedient.

For regulations issued by the Education Department, see p. 128.

(8.) The order shall provide that not more than ten



per cent. of the children presented for examination in a public elementary school shall obtain in the same year certificates entitling them to the payment of fees, and that if the children qualified to obtain such certificates exceed the said per-centage, those children who have attended the greatest number of times shall have the preference.

(9.) The order may make the continuance of the payment dependent upon the fulfilment of conditions, and shall provide that the continuance of the payment shall be conditional upon the child attending the school for not less than three hundred and fifty attendances in each year, and obtaining at the end of each year a certificate of proficiency in reading, writing, and elementary arithmetic according to a standard higher than the standard according to which it obtained the previous certificate.

(10.) The order shall further provide that the school, by previous due attendance at which the child was qualified for obtaining the payment of fees, and the school, the fees at which are paid by the Education Department, shall be a school or department of a school, at which the ordinary payment in respect of the instruction of each scholar does not exceed sixpence a week.

For regulations which have been issued by the Education Department, see appendix, p. 128.

#### MISCELLANEOUS.

(11.) Attendance for the purpose of this schedule means an attendance as defined by the Code of 1876, and where the attendance is at a certified day industrial school includes such attendance as may be from time to time directed for the purpose by a Secretary of State, and where the attendance is at a workhouse

school includes such attendance as may be from time to time directed for the purpose by the Local Government Board.

As to provision of code as to "attendances," see p. 51.

(12.) The Code of 1876 in this schedule means the Code of the Minutes of the Education Department made in the year one thousand eight hundred and seventy-six with respect to the parliamentary grant to public elementary schools in England, and in the case of a school in Scotland means the Code of the Minutes of the Scotch Education Department made in the year one thousand eight hundred and seventy-six with respect to the parliamentary grant to elementary schools.

## SECOND SCHEDULE.

### RULES AS TO A LOCAL COMMITTEE.

(1.) Subject to the provisions of this Act, the school attendance committee may from time to time add to or diminish the number of members, or change the members of any local committee appointed by them, or may dissolve any such committee.

For provisions of the Act as to appointment of local committees, see sec. 32.

(2.) A local committee shall, unless the school attendance committee appointing them otherwise direct, continue in office until the first meeting of that committee after the next annual appointment thereof, and thereafter until a new local committee is appointed.

### RULES AS TO SCHOOL ATTENDANCE COMMITTEE AND LOCAL COMMITTEE.

(3.) Subject to any regulations made in the case of

a school attendance committee by the council or guardians appointing it, and in the case of a local committee by the school attendance committee appointing it, the provisions of the third schedule of the Elementary Education Act, 1870, with reference to proceedings of managers appointed by a school board, shall apply to the proceedings of a school attendance committee and a local committee under this Act, as if the body appointing the committee were a school board.

The provisions referred to in the third schedule of the Education Act, 1870, are as follows :—

The managers may elect a chairman of their meetings. If no such chairman is elected, or if the chairman elected is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting. The managers may meet and adjourn as they think proper. The quorum of the managers shall consist of such number of members as may be prescribed by the School Board that appointed them, or, if no number be prescribed, of three members. Every question at a meeting shall be determined by a majority of votes of the members present and voting on that question, and in case of an equal division of votes the chairman shall have a second or casting vote.

The proceedings of the managers shall not be invalidated by any vacancy or vacancies in their number.

The Local Government Board by their order of the 14th April, 1877 (p. 163), have prescribed regulations with regard to the meetings of School Attendance Committees appointed by guardians. The committee are to meet for the dispatch of business, and from time to time, as occasion may require, make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business as they think fit. The proceedings of the committee are to be duly recorded in a minute book to be kept by their clerk. At each meeting the minutes of the last preceding meeting are to be read to the committee, and the minutes are to be signed by the chairman presiding at the meeting at which the same are read. No business involving the employment or payment of any officer, any new expense, or any payment (except the ordinary periodical payments), or any business which under the Elementary Education Acts requires the consent of the Education Department is to be transacted at any meeting of the committee, unless notice in writing of the general nature of the business has been sent to every member of the committee four days at least before the meeting.

(4.) Any casual vacancy in a school attendance committee or local committee may be filled up by the body who appointed such committee.

(5.) A school attendance committee shall continue in office until the first meeting of the council or guardians appointing it after the next annual election of councillors and guardians, and thereafter until the new committee is appointed.

(6.) A committee appointed by guardians shall be appointed at the first meeting after the annual election of guardians, or some other meeting fixed with the approval of the Local Government Board for the purpose.

The Local Government Board expressed an opinion that it is only when the guardians had failed to appoint a School Attendance Committee at their first meeting after the last annual election of guardians that the Board were empowered to approve of some other meeting being fixed for the purpose of the appointment.

### THIRD SCHEDULE.

#### RULE AS TO ELECTION OF SCHOOL BOARD.

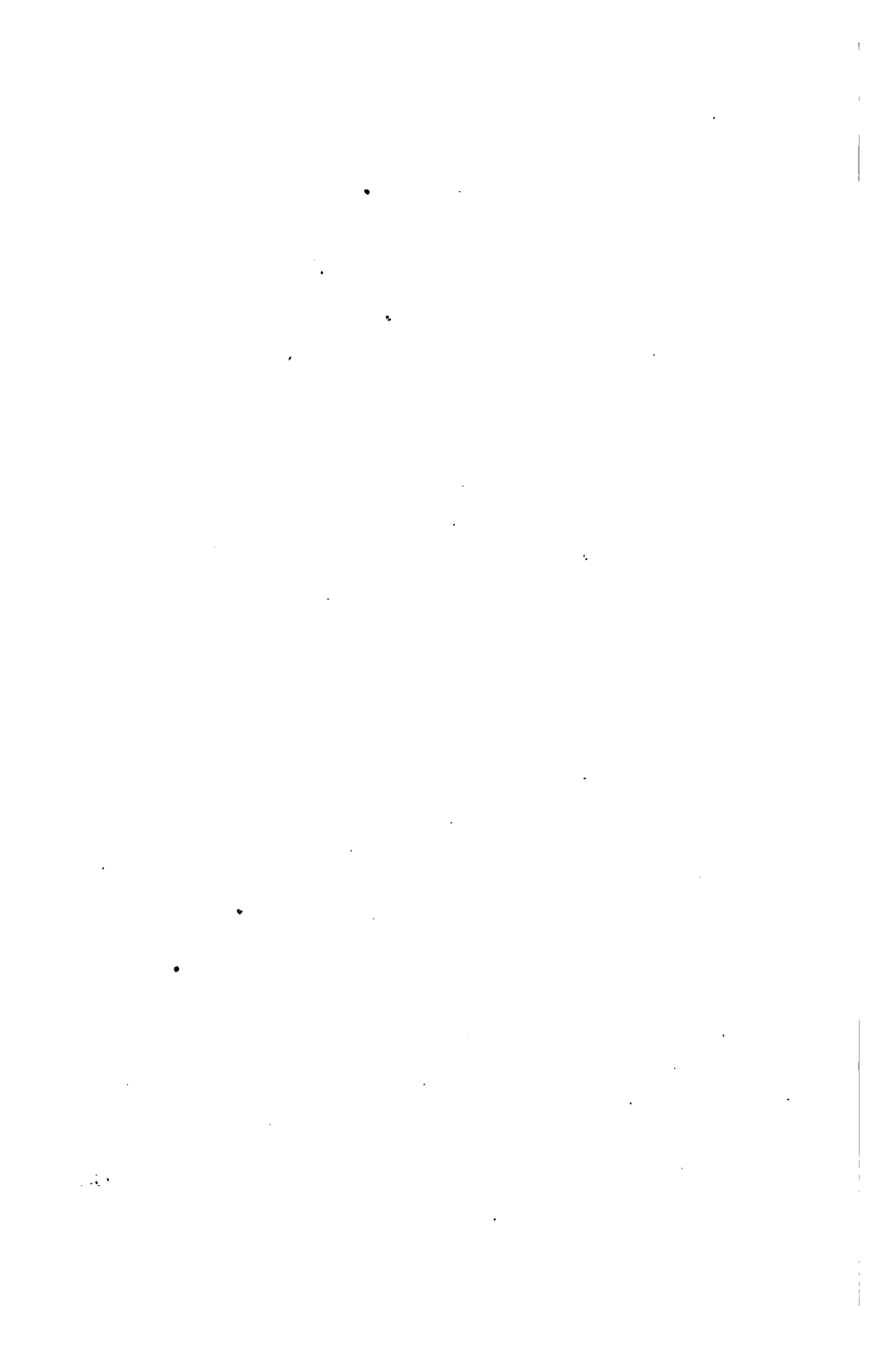
If any casual vacancy in the office of a member of a school board occurs by death, resignation, disqualification, or otherwise, such vacancy may be filled by the remaining members of the school board, if a quorum, at a special meeting of the board called for the purpose.

According to rule 2 of Schedule III. of the Education Act, 1873, an election to fill a casual vacancy can only be held on the day in the year appointed or prescribed for the election of members, unless the Education Department direct an election in consequence of the number of members being reduced to less than that required for a quorum, and that rule has not been repealed. The rule, it would seem, must still apply, unless it can be held that the filling a casual vacancy by the School Board is not "an election to fill a casual vacancy." In several cases, however, casual vacancies have been filled up, at dates different from those contemplated by the rule in the Act of 1873 above referred to, without any question being raised by the Education Department.

## FOURTH SCHEDULE.

## ACTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
30 & 31 Vict. c. 146	The Workshop Regulation Act, 1867.	Sections 14 and 15.
33 & 34 Vict. c. 75	The Elementary Education Act, 1870.	Section twenty-five, so much of section seventy-four and of any byelaw made thereunder as is affected by the repeal of section twenty-five, and the rule numbered fifteen in the first part of the second schedule, and the rule numbered six in the third part of the second schedule.
36 & 37 Vict. c. 67	The Agricultural Children Act, 1873.	The whole Act.
36 & 37 Vict. c. 86	The Elementary Education Act, 1873.	Section three.
37 & 38 Vict. c. 88	The Births and Deaths Registration Act, 1874.	Section twenty-nine.



## APPENDIX.

### FACTORY AND WORKSHOP ACTS.

The Education Act, 1876, by sec. 8, provides that with the exception therein mentioned sections 81, 88, & 89 of the Factory Act of 1844, and sections 12 & 15 of the Factory Act of 1874, shall apply to the education of all children employed in factories subject to the Factory Acts, 1833 to 1871, and not subject to the Factory Act, 1874, or in workshops subject to the Workshop Acts, 1867 to 1871.

The provisions of the sections referred to are as follows: —

The Factory Act of 1844, by sec. 31, enacts, with respect to *children employed on alternate days*, that "The parent or person having direct benefit from the wages of any child" (*i.e.*, a child under the age of thirteen years) "so employed" (on three alternate days of the week) "shall cause such child to attend some school for at least five hours between the hours of eight of the clock in the morning and six of the clock in the afternoon of the same day on each week day preceding each day of employment in the factory, unless such preceding day shall be a Saturday, when no school attendance of such child shall be required: Provided also, that on Monday in every week after that in which such child began to work in the factory, or any other day appointed for that purpose by the inspector of the district, the occupier of the factory shall obtain a certificate from a schoolmaster, according to the form and directions given in the schedule (A) to this Act annexed, that such child has attended school as required by this Act."

Sec. 38 enacts with respect to *children employed otherwise than on alternate days*, that, "Save as herein otherwise provided, the parent or person having any direct benefit from the wages of any child" (*i.e.*, a child under thirteen years of age) "employed in a factory, shall cause such child to attend some school on the day after the first employment of such

child, and thenceforth on each working day of every week during any part of which the said child shall continue in such employment; so that on every such day, except in the cases hereinafter provided, such child shall attend school during at least three hours after the hour of eight of the clock in the morning and before the hour of six of the clock in the evening: Provided always, that any child attending school after one of the clock in the afternoon shall not be required to remain in school more than two hours and a half on any one day between the first day of November and the last day of February, and no child shall be required to attend school on any Saturday, and the non-attendance of every such child shall be excused on every day on which such child shall be certified by the schoolmaster to have been prevented by sickness or other unavoidable cause from attending the school, and during any holiday or half-holiday authorised by this Act, or by consent in writing of the inspector of the district in which the factory is situated, or, where the school-room is situated within the outer boundary of the factory at which such child is employed, on every day on which the school shall be closed in consequence of the said factory ceasing to be at work during the whole day."

Sec. 89 provides, with regard to school certificates and payment of school fees: "That no schoolmaster's tickets or vouchers shall be required or valid other than is hereinafter provided, and that the occupier of every factory in which a child is employed shall on Monday in every week after the first week in which such child began to work in the factory, or on any other day appointed for that purpose by an inspector, obtain a certificate from a schoolmaster, according to the form and directions given in the schedule (A) to this Act annexed, that such child has attended school as required by this Act during the foregone week.

"And such occupier shall keep such certificate for six months after the date thereof, and shall produce the same to any inspector or sub-inspector when required during such period, and shall, when required by the inspector for the district, pay to the schoolmaster of such child, or to such other person as the said inspector may direct, towards the expenses of educating such child, such sum as the inspector



may require, not exceeding twopence per week, and shall be entitled to deduct from the wages payable to such child any such sum as he shall have been required to pay for such expenses, not exceeding the rate of one-twelfth part of the weekly wages of such child :

“ Provided always, that if an inspector, on his personal examination or on the report of a sub-inspector, shall be of opinion that any schoolmaster who grants certificates of the school attendance of children employed in a factory is unfit to instruct children, by reason of his incapacity to teach them to read and write, from his gross ignorance, or from his not having the books and materials necessary to teach them reading and writing, or because of his immoral conduct, or of his continued neglect to fill up and sign the certificates of school attendance required by this Act, the inspector of the district may annul any certificate granted by such disqualified schoolmaster, by a notice in writing addressed to the occupier of the factory in which the children named in the certificate are employed, or his principal agent, setting forth the grounds on which he deems such schoolmaster to be unfit ; and after the date of such notice no certificate of school attendance granted by such schoolmaster shall be valid for the purposes of this Act, unless with the consent in writing of the inspector of the district ; but no inspector shall annul any such certificate unless in the aforesaid notice he shall name some other school situated within two miles of the factory where the children named in the certificate are employed :—

“ Provided also, that any schoolmaster whose certificate shall have been annulled, or the occupier of the factory in which the children named in the said certificate are employed on behalf of the schoolmaster, may appeal to the Secretary of State against such decisions of the inspector, and the Secretary of State may, if he think fit, rescind such decision :

“ Provided also, that every inspector shall in his annual report to the Secretary of State for the Home Department state the instances (if any) in which he shall have had occasion to annul any such certificate, together with the reasons which he has in each case assigned for so doing.”

## SCHOOL CERTIFICATE.

The following is the form of certificate given in schedule A:—

“I HEREBY certify, that the under-mentioned child [*or children*] employed in the factory of situated in has [*or have*] attended the school kept by me at for the number of hours and at the time on each day specified in the columns opposite to his [*her or their*] name [*or names*] during the week ending on Saturday the day of one thousand eight hundred and , and that the causes of absence stated are true, to the best of my belief.

Name of Child.	Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Causes of Absence.
	Time.		Time.		Time.		Time.		Time.		
	From	To	From	To	From	To	From	To	From	To	

(Signed)

the

Schoolmaster [*or Schoolmistress*].

day of

18 .

“Under the column headed ‘Time’ the periods of the day that each child attends school shall be stated, as thus from nine to twelve, or from two to five, or any other time, as the case may be; and all the children employed in the same factory who attend school before one of the clock in the afternoon shall be entered together, distinct from those who attend school after one of the clock.

“The time when each child attends school shall be stated in the column for each day, in the handwriting of the school-master; and no certificate shall be valid unless the school-master shall, in his own handwriting, subscribe to it his Christian and surname in full.

“In the case of any child who has been absent from school, the letter (A) shall be inserted under the day or days of absence, and the cause of absence shall be inserted in the column headed ‘Causes of Absence,’ so far as the same can be ascertained; and when any day has been a holiday at the school, the word ‘Holiday’ shall be entered in the column of the day.

“All school certificates, if given on loose sheets, shall, as soon as received, be fixed in a book, to be called ‘The School Certificate Book,’ in the order of their respective dates. Copies of the above forms may be bound together in a book for each factory.”

The factories and workshops to which the Factory Acts, 1833 to 1871, and the Workshop Acts, 1867 to 1871, apply are as follows :—

*Factory Acts, 1833 & 1844 (3 & 4 Wm. 4, c. 108, and 7 & 8 Vict., c. 15).*—For the purposes of these Acts the word “factory” is defined by sec. 78 of the Act of 1844 as follows :—  
“The word ‘factory’ shall be taken to mean all buildings and premises wherein or within the close or curtilage of which steam, water, or any other mechanical power shall be used to move or work any machinery employed in preparing, manufacturing, or finishing, or in any process incident to the manufacture of cotton, wool, hair, silk, flax, hemp, jute, or tow, either separately or mixed together, or mixed with any other material or any fabric made thereof; and any room situated

within the outward gate or boundary of any factory wherein children or young persons are employed in any process incident to the manufacture carried on in the factory shall be taken to be a part of the factory, although it may not contain any machinery; and any part of such factory may be taken to be a factory within the meaning of this Act." The term does not, however, include any part of a factory used solely for the purposes of a dwelling house, or any part used solely for the manufacture of goods made entirely of any other material than those above enumerated, nor any factory or part of a factory used solely for the manufacture of lace, of hats, or of paper, or solely for bleaching, dyeing, printing, or calendering.

*The Ropeworks Act, 1846* (9 & 10 Vict., c. 40), which modifies the above definition as regards certain *ropeworks* by sec. 1, provides that "No ropery, ropewalk, or ropework, in which machinery, moved by steam, water, or other mechanical power is not used for drawing or spinning the fibres of flax, hemp, jute, or tow, but only for laying or twisting or other process of preparing or finishing the lines, twines, cords, or ropes, and which has no internal communication with any buildings or premises forming or forming part of a mill or factory within the meaning of the said Acts" (*Factory Acts, 1833 & 1846*), "except such as is necessary for the transmission of power, shall be deemed to be a mill or factory within the provisions of the said Acts."

*The Lace Factories Act, 1861* (24 & 25 Vict., c. 117), applies to "factories in which machines for the manufacture of lace are moved by steam or water power."

*The Factories Extension Act, 1864* (27 & 28 Vict., c. 48), applies to the manufacture of *earthenware*, except bricks and tiles, not being ornamental tiles, the manufacture of *lucifer matches*, the manufacture of *percussion caps*, the manufacture of *cartridges*, the employment of *paper staining*, and the employment of *fustian cutting*.

*The Factory Acts Extension Act, 1867* (30 & 31 Vict., c. 103), applies to the following "factories":—

"1. Any *blast furnace* or other furnace or premises in or on which the process of smelting or otherwise obtaining any metal from the ores is carried on.

"2. Any copper mill.

"3. Any mill, forge, or other premises in or on which any process is carried on for converting iron into malleable iron, steel, or tin plate, or for otherwise making or converting steel.

"4. Iron foundries, copper foundries, brass foundries, and other premises or places in which the process of founding or casting any metal is carried on.

"5. Any premises in which steam, water, or other mechanical power is used for moving machinery employed—(a) in the manufacture of *machinery*; (b) in the manufacture of any article of *metal*, not being machinery; (c) in the manufacture of *india-rubber* or *gutta-percha*, or articles made wholly or partly of india-rubber or gutta-percha.

"6. Any premises in which any of the following manufactures or processes are carried on, namely:—(a) *paper manufacture*; (b) *glass manufacture*; (c) *tobacco manufacture*; (d) *letterpress printing*; (e) *bookbinding*.

"7. Any premises, whether adjoining or separate, in the same occupation, situate in the same city, town, parish, or place, and constituting one trade establishment, in, on, or *within the precincts of which fifty or more persons are employed in any manufacturing process.*"

"Manufacturing process" is defined as meaning "any manual labour exercised by way of trade or for purposes of gain in or incidental to the making any article or part of an article, or in or incidental to the altering, repairing, ornamenting, finishing, or otherwise adapting for sale any article."

The Act contains a provision that "any premises or places on which the process of founding or casting any metal is carried on by not more than five persons, and as subsidiary to the repair or completion of some other work, shall not by reason only of such founding or casting be deemed to be a factory."

*The Workshop Regulation Act, 1867* (30 & 31 Vict., c. 146), applies to "*workshops*" other than those provided for by the Factory Acts and Factory Acts Extension Act, and bakehouses under the *Bakehouse Regulation Act, 1863*.

For the purposes of the Act the term "*workshop*" is defined as meaning "any room or place whatever, whether

in the open air or under cover, in which any handicraft is carried on by any child, young person, or woman, and to which and over which the person by whom such child, young person, or woman is employed has the right of access and control."

The term "handicraft" means "any manual labour exercised by way of trade or for purposes of gain in or incidental to the making any article or part of an article, or in or incidental to the altering, repairing, ornamenting, finishing, or otherwise adapting for sale any article." "Employed" means "occupied in any handicraft, whether for wages or not, under a master or parent."

*The Factory and Workshop Act, 1870* (33 & 34 Vict., c. 62), applies to "*print works and bleaching and dyeing works.*" "The term 'print works' means any premises in which any persons are employed to print figures, patterns, or designs upon any cotton, linen, woollen, worsted, or silken yarn, or upon any woven or felted fabric, not being paper. The term 'bleaching and dyeing works' means any premises, whether in the open air or not, in which the processes of bleaching, beetling, dyeing, calendering, finishing, hooking, lapping, and making up and packing any yarn or cloth of any material, or the dressing or finishing of lace, or any one or more of such processes, or any process incidental thereto, are or is carried on."

The provisions of secs. 12 and 15 of the *Factory Act, 1874*, 37 & 38 Vict., c. 44, are as follows:—

Sec. 12. After the first day of January, 1876, "in the case of a factory to which this Act applies<sup>1</sup> a person of the age of thirteen years and under the age of fourteen years shall be deemed to be a child, and not a young person, unless he has obtained from a person authorised by the authority hereinafter mentioned a certificate of having attained such standard of proficiency in reading, writing, and arithmetic as may be from time to time prescribed for the purposes of this Act by that authority: Provided that any such person who previously to the first day of January,

<sup>1</sup> This Act applies only to factories as defined by the *Factory Act, 1844*, the *Ropeworks Act, 1846*, and the *Lace Factory Act, 1861*.

1876, is lawfully employed in any such factory as a young person may continue to be so employed in like manner as if this section had not been enacted. The authority for the purposes of this section shall be—

“(a.) In England the Lords of the Committee of the Privy Council on Education.

“The standard of proficiency so prescribed shall be published in the ‘London Gazette,’ and shall not have effect until the expiration of at least six months after such publication.”

Sec. 15. “After the first day of January, 1876, attendance at a school in England which is not for the time being recognised by the Education Department as giving efficient elementary education shall not in the case of a child employed in a factory to which this Act applies<sup>1</sup> be deemed to be attendance at a school within the meaning of this Act or the Factory Act, 1844; Provided that—

“(1.) This section shall not apply to a school in any school district within the meaning of the Elementary Education Act, 1870, which has not been declared by the Education Department to be sufficiently provided with public school accommodation within the meaning of that Act.

“(2.) This section shall not apply where there is not a school so recognised within the distance of two miles from the factory in which the child is employed.

“The Education Department shall make such declaration as above mentioned with respect to every school district which they are satisfied is supplied with sufficient public school accommodation, and shall from time to time publish, in such manner as they think sufficient to give information to all persons interested, lists of the schools for the time being recognised by them as giving efficient elementary education.”

The Committee of Council on Education, by a minute dated the 28rd of June, 1875, prescribe the standard of proficiency to be required under this enactment.<sup>2</sup> The minute is as follows :—

<sup>1</sup> See note on previous page.

The standard of proficiency to be fixed for the purposes of the aforesaid Act shall, *for the present*, be regulated by the Fourth Standard prescribed by Article 28 of the Code of 1875, viz.:—

*Reading*.—To read with intelligence a few lines of poetry selected by the inspector.

*Writing*.—In small hand, eight lines, slowly dictated once from a reading book; spelling and handwriting to be considered.

*Arithmetic*.—Compound rules (money, and common weights and measures).<sup>1</sup>

It will be observed from sec. 8 of the 39 and 40 Vict., c. 79 (p. 28), that the above sections of the Factory Act, 1844, (sections 81, 88, and 89), and of the Factory Act, 1874 (sections 12 and 15), are to apply to the employment and education of all children employed in factories subject to the Factory Acts, 1838 and 1871, and not subject to the Factory Act, 1874, or in workshops subject to the Workshop Acts, 1867 to 1871. The factories subject to the Factory Act, 1874, are those provided for by the Factory Act, 1844, the Ropeworks Act, 1846, and the Lace Factory Act, 1861; and the Act of 1874 contains the following provision (sec. 6):—

“In a factory to which this Act applies, the children may be employed either in morning and afternoon sets, or for the whole day on alternate days, and the following regulations shall be observed :

“(1.) Where the children are employed in morning and afternoon sets:—

“A child employed in the factory shall attend school in manner directed by section thirty-eight of the Factory Act, 1844; and the provisions of that Act with respect to such attendance and certi-

<sup>1</sup> Avoirdupois weight, long measure, liquid measure, time table, square and cubical measures, and any measure which is connected with the industrial occupations of the district.



ficates thereof shall apply accordingly" (see p. 101).

"(2.) Where the children are employed on alternate days :—

" A child employed in the factory shall attend school in manner directed by section thirty-one of the Factory Act, 1844 ; and the provisions of that Act with respect to such attendance and certificates thereof shall apply accordingly" (see p. 101).

Under the Factory Acts to which this Act applies " children " only are required to attend school, and the term " child " applies to any person under the age of fourteen years.

#### AGES AT WHICH CHILDREN MAY BE EMPLOYED UNDER THE FACTORY AND WORKSHOP ACTS.

In " factories " as defined by the Factory Act, 1844, the Ropeworks Act, 1846, and the Silk Factory Act, 1861, no children are to be employed under the age of ten years. " Provided," however, " that any child who previously to the commencement of the year 1875 is lawfully employed in any such factory, as a child under the age of nine years, and any child who previously to the commencement of the year 1876 is lawfully employed in any such factory, as a child under the age of ten years, may continue to be employed in any factory in like manner as if this section had not been enacted."

In all other factories and workshops to which the Factory and Workshop Acts apply children may, prior to the 1st of January, 1877, with the under-mentioned exceptions, be employed when they have attained the age of eight years. But after the 1st of January, 1877, no child can be first employed in any factory or workshop under the age of nine years; and after the 1st of January, 1878, no child can be so first employed under the age of ten years.

The exceptions above referred to are as follows :—

No child is to be allowed to commence work in the employment of fustian cutting until the attainment of the age

of eleven years (27 & 28 Vict., c. 48, s. 6; 30 & 31 Vict., c. 146, s. 6).

No boy under the age of twelve years, and no female, is to be employed in any part of a glass factory in which the process of melting or annealing glass is carried on (30 & 31 Vict., c. 108, s. 7).

No child under the age of eleven years is to be employed in grinding in the metal trade (30 & 31 Vict., c. 108, s. 7; 30 and 31 Vict., c. 146, s. 6).

No female under the age of sixteen years, and no child under the age of ten years, is to be employed in the manufacture of bricks and tiles, not being ornamental tiles (34 & 35 Vict., c. 104, s. 5).

**RULES OF EDUCATION DEPARTMENT RESPECTING  
CERTIFIED EFFICIENT SCHOOLS.**

**CIRCULAR LETTER ADDRESSED BY THE EDUCATION DEPARTMENT  
TO HER MAJESTY'S INSPECTORS OF SCHOOLS.**

Education Department, Whitehall, S.W.,

SIR,—

8th February, 1877.

I am directed to forward, for your information and guidance, the annexed copy of the rules which the Lords of the Committee of Council on Education have laid down with respect to the conditions under which they will be prepared to recognise as "certified efficient schools," under the Education Act, 1876 (sec. 48), those elementary schools which do not seek annual aid, and are not inspected by the officers of other departments of the State.

The efficiency of every such school will have to be tested in respect of—

1. The premises in which it is held.
2. The results of the secular instruction.

1. Your inquiry under the first head will extend to all the points on which you are required to report, under the New Code, in the case of an application for annual aid, and will include the supply of school furniture, books, apparatus, and other material appliances.

My Lords are not prepared to certify any school as efficient which does not, in these particulars, come up to the standard required as a condition of annual grants, until they are satisfied that any deficiencies which you may have pointed out have been made good.

2. As regards the standard of instruction fixed by the

rules, my Lords are aware that it is a very low one, and that it can be accepted only as a starting point for future improvement. They have taken it, with very slight modifications, from the test of efficiency prescribed by the instructions issued to the inspectors who, under the Act of 1870, carried out the inquiry into the general school provision of the country. It is obvious that as the object of the recognition of the new class of schools in question is to secure for children who do not attend public elementary schools such instruction in the first four standards of the code as will qualify them to obtain certificates of proficiency, under the Act of 1876, enabling them to go to work, it will be the duty of the managers so to raise the character of the teaching in their schools as at least to keep pace with the standards of proficiency required in successive years by that Act as a condition of employment. My Lords must, therefore, expressly reserve to themselves the power to require a higher standard of instruction, from time to time, from those schools which are to be continued on the list of certified efficient schools.

Should you find the instruction in any school more advanced than the standard suggested in the rules, you will report what results are actually attained in the school, and the higher subjects, if any, in which proficiency is shown by the scholars.

If on the occasion of any visit to a certified efficient school, you find that the managers wish to apply for annual aid, and their teacher to be examined for a certificate under Article 47 of the code, you will hear the teacher give a lesson to a class, as a test of his (or her) practical skill, and you will satisfy yourself that the school does not fall short of the *minimum* standard of instruction specified in the rules. So, if the managers wish the teacher to receive a certificate without examination, under Article 59 of the code, you will examine the scholars according to the terms of that article, and report the result of the examination, and your opinion of the teacher's skill. In either case you will inform the managers that they must intimate their wishes to this Department, if they have not already done so, reminding them that no grant can be made to any school which is not

## CERTIFIED EFFICIENT SCHOOLS—REGULATIONS. 115

conducted as a *public elementary school* within the meaning of the Education Act of 1870 (sec. 7).

My Lords will expect you to report upon the certified efficient schools which you visit, either when specially called upon to do so, or in any general report on your district, which is presented to Parliament.

I have the honour to be, Sir,

Your obedient servant,

F. R. SANDFORD.

To Her Majesty's Inspectors of Schools.

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## RULES AS TO CERTIFIED EFFICIENT SCHOOLS.

1. The managers of any elementary school who wish the school to be certified as efficient will, on writing to the Secretary, Education Department, Whitehall, London, S.W., receive instructions as to the manner in which their application is to be conducted.

2. The Department, on agreeing to entertain the application, will direct one of Her Majesty's inspectors to report upon the school. The inspector will give notice beforehand to the managers of the day fixed for his visit.

### *Preliminary Conditions.*

3. Before a school is certified as an *Efficient School*, the Education Department must be satisfied that,—

- (a.) Elementary education is the principal part of the education given in the school, and that the ordinary school fee for each scholar does not exceed ninepence a week.

- (b.) The school is not carried on under the management of any person or persons who derive emolument from it.
- (c.) The school premises are healthy, well lighted, warmed, drained, and ventilated, supplied with suitable offices, and contain in the principal school-room and class-rooms at least 80 cubical feet of internal space, and 8 square feet of area, for each child in average attendance.
- (d.) The school is properly furnished, supplied with books and apparatus, and under good discipline.
- (e.) The teacher is efficient, and is not allowed to undertake duties, not connected with the school, which occupy any part whatever of the school hours.
- (f.) The girls are taught plain needlework, as part of the ordinary course of instruction.

*Standard of Instruction.*

- 4. (a.) The general instruction of infants (from 5 to 7) will be tested by the standard of instruction used in Public Elementary Schools.
- (b.) As regards the elder children, 50 per cent. of the number of scholars above 7 years of age, in average attendance during the previous year, will be individually examined in reading, writing, and elementary arithmetic; those from 7 to 8 in Standard I. of the code of 1870, those from 8 to 10 in Standard I. of the code of 1877, and those above 10 in Standard II. (or a higher Standard) of the same code (1877).
- (c.) One half of the children examined ought to pass in two subjects.
- (d.) One half of the children above 10 ought to pass in two subjects.
- (e.) One half of the children so passing ought to pass in arithmetic.

**CERTIFIED EFFICIENT SCHOOLS—REGULATIONS. 117**

	Standard I. (1870.)	Standard I. (1877.)	Standard II. (1877.)
Reading	Narrative in monosyllables	One of the narratives next in order after monosyllables in an elementary reading book used in the school.	A short paragraph from an elementary reading book.
Writing	Form on black board or slate, from dictation, letters, capital and small, manuscript.	Copy in manuscript character a line of print, and write from dictation a few common words.	A sentence from the same book, slowly read once, and then dictated in single words.
Arithmetic	Form on black board or slate, from dictation, figures up to 20; name at sight figures up to 20; add and subtract figures up to 10; orally, from examples on black board.	Simple addition and subtraction of numbers of not more than four figures, and the multiplication table, to 6 times 12.	The four simple rules to short division (inclusive).

5. The school must meet in the morning and afternoon, in the course of each year, not less than 400 times, or a smaller number of times if it is carried on, under an arrangement approved by the Department, with the view of satisfying the requirements of any byelaw passed by a local authority, for the half-time instruction of children above 10 years of age.<sup>1</sup>

6. Attendance at a morning or afternoon meeting may not be reckoned for any scholar who has been under instruction in secular subjects less than two hours,<sup>2</sup> if above, or one hour and a half<sup>3</sup> if under, seven years of age. These hours need not be consecutive, nor necessarily the same for the whole school.

<sup>1</sup> An arrangement under this rule may provide for a school being open only in the morning, or afternoon, of each day, or twice a day for certain months in the year.

<sup>2</sup> This may include an interval of 15 minutes for recreation during a meeting of 3 hours, or of 5 to 10 minutes in a shorter meeting.

<sup>3</sup> Not including any time allowed for recreation.

*School Registers.*

7. The registers of every certified efficient school must be so kept that the attendance and progress of individual scholars may be tested, and certified, with ease and certainty, in pursuance of any regulations made by the Education Department, under the Elementary Education Act, 1876, (sec. 24); and for this purpose in every school there must be

- (1.) A register of admission, progress, and withdrawal.
- (2.) Registers of daily attendance.
- (3.) A book of summaries.

*Admission Register.*

8. *The admission register* should show distinctly for each child in the school—

- (a.) Its number on the register.
  - (b.) The date of its admission (day, month, and year).
  - (c.) Name in *full*, christian and surname.
  - (d.) The name and address of its parent or guardian.
  - (e.) The exact date of the child's birth.
  - (f.) The last school (if any) which it attended before entering this school.
  - (g.) The date of leaving.
9. (a.) This register should be made up at least once a week. Successive numbers should be allotted to the children on their admission, so that each child may have its own number.
- (b.) Where several children of the same name attend, they may be distinguished thus:—"John Jones (a)," "John Jones (b)," etc.
  - (c.) This register should have an alphabetical index.

*Attendance Registers.*

10. *The attendance registers* must be marked every time that the school meets, and must show the daily and weekly attendances of every scholar for each year.

11. On the outside of the cover of each register should be



legibly written the name of the school, and the year, also the department (boys, girls, mixed or infant, as the case may be), and the class or classes to which it belongs.

12. Each register should contain—

- (a.) Columns for each child's admission number, for its name in full, and its age last birthday, and columns for all the weeks in the year.
- (b.) A column for the entry at the close of each week of the total attendances made by each child during that week, and, at the end of the register, columns to sum up the total attendances of each child during the year.

Another column is required in schools attended by half-timers, who should be distinguished by the insertion of "H" (half-timer under any Act) after their names.

13. In marking these registers, the following rules should be observed :—

- (1.) Every child must be marked at the commencement of each meeting of the school.
- (2.) *Presence* must be marked with a long stroke (thus /).
- (3.) As soon as a child completes its two hours of secular instruction, its mark for presence should be crossed by another stroke (thus ×).
- (4.) Registers must be original and not copied from slates or papers.
- (5.) The number of attendances made by the class should be entered at the foot of the column every morning and afternoon.
- (6.) The number of attendances made by each child during the week must be entered.

14. At the foot of the attendance columns *for each week*, or in some place specially provided for them in the registers, should be entered :—

- (a.) The number of times the school was open, morning and afternoon.
- (b.) The total number of attendances made by all the children on this register during the week.

*Summary.*

15. The weekly entries of the attendance of each class should be transferred from the class registers every week into appropriate pages in a summary register, and the average attendance of the whole school for each week recorded.

16. At the completion of the year, the annual averages for the whole school should be struck and entered, of boys and girls separately,—

- (1) under five,
- (2) between 5 and 7, and
- (3) above 7.

17. These registers must be provided by the managers, so as to be the property of the school, and not in any sense of the teacher.

18. All the registers should be checked at uncertain intervals, and at least once in every quarter, by the managers. They should also be signed at the same time by the teachers responsible for them.

19. The registers, when filled, must be carefully preserved for 10 years.

20. If a school is discontinued the registers are to be handed over to the local authority of the district.

*General Conditions.*

21. An inspector may visit any certified efficient school at any time without notice, and will endeavour to do so *with notice* once every year.

22. The managers will, when called upon, report as to the teacher's character, conduct, and attention to duty.

23. The inspector will report whether the school is efficient in organization, discipline, and instruction, and whether the registers are properly kept.

24. The certificate that a school is efficient may at any time be recalled or suspended, if—

- (a.) Either of these reports is unsatisfactory; or,

**CERTIFIED EFFICIENT SCHOOLS—REGULATIONS. 121**

- (b.) Any of the conditions on which the certificate was granted have ceased to be fulfilled ; or
- (c.) The Department is not satisfied that all returns called for are duly made, the admission and daily attendance of the scholars carefully registered, and all returns and certificates of character may be accepted as trustworthy.

25. Notice of the issue, suspension, or withdrawal of a certificate of efficiency will be given to the local authority of the district in which the school is situated.

26. Notice is to be given to the Department, by the managers, of any change of teacher in the school.

27. The managers must appoint a correspondent with the Department, and must give notice of any change of correspondent.

28. Teachers cannot act as managers of, or correspondents for, the schools in which they are employed.

## REGULATIONS OF EDUCATION DEPARTMENT

AS TO

*I. Certificates of Age, School Attendance, and Proficiency.*

*II. Payment of School Fees for Children holding Honour Certificates.*

AT THE COUNCIL CHAMBER, WHITEHALL, THE 9TH DAY OF FEBRUARY, 1877. BY THE LORDS OF THE COMMITTEE OF THE PRIVY COUNCIL ON EDUCATION.

The Lords of the Committee of Privy Council on Education, by virtue and in pursuance of the powers in them vested under the Elementary Education Act of 1876, and of every other power enabling them in this behalf, do order, and it is hereby ordered as follows :—

I. With respect to Certificates of Age, School Attendance, and Proficiency, for the purposes of the Elementary Education Act, 1876.

1. Any parent, or other person interested in the education or employment of a child, may apply to the local authority, or local committee, of the district in which the child resides, or to the managers of any certified efficient school in which the child is, has been, or wishes to be a scholar, for forms in which to obtain, on behalf of the child, any of the following certificates, viz. :—

A certificate of age :

A certificate of school attendance :

A certificate of proficiency : or for

*A Child's School Book* combining these three certificates.

*Certificates of Age.*

2. A certificate of the date of a child's birth will be granted by a registrar or superintendent registrar of births and deaths in a form prescribed for the purpose by the Local Government Board, pursuant to the 25th section of the Elementary Education Act, 1876. The fee for such certificate is not to exceed 6d.

3. When a local authority, under the power given by the 26th section of the Elementary Education Act, 1876, have obtained a return of the births of children in their district which will enable them to grant age certificates to individual children, they shall, on the application of any parent or other person interested in the education or employment of a child, grant such certificate under the hand of their clerk, or other officer deputed for the purpose, for a fee not exceeding 4d. for each child. This certificate is to be given either on a special form or in the child's school book referred to below. (Regulation 20.)

4. A register shall be kept by the local authority of the name, parentage, date of birth, and residence of every child to whom a certificate of age is granted under the preceding regulation.

*Certificates of School Attendance.*

5. The parent, or any other person interested in the employment or education of a child under 14, may require the principal teacher for the time being of any certified efficient school, which such child has attended, to furnish a certificate specifying the number of school attendances made by the child in the school during each year, since the age of five, for which the school registers are preserved.

6. The teacher shall grant such certificate in a form prescribed by the Education Department, in the first case free of charge, and for a fee not exceeding 1d. for each year's attendances entered in the second or any subsequent copy of the original certificate, that may be demanded in respect of such child.

7. The school registers of every certified efficient school shall be carefully preserved by the managers for at least ten years, and any teacher taking away or destroying such registers may be dealt with as under regulation 25. If a school is discontinued the registers are to be handed over to the local authority of the district.

8. In the month of January in every year the managers of every certified efficient school shall forward to the *local authority* of the district a list drawn up by the teacher and countersigned by them, showing the name, residence, and age of every child above five years of age who has attended the school for any number of days, however few, in the course of the year ending on the preceding 31st of December, and the number of attendances, after the said age, made by the child in that year.

9. The local authority will preserve these lists for at least 10 years. They will be a check on the certificates granted to individual scholars by teachers, and will enable the local authority, if necessary, to dispense with the production of a child's certificate, if any question should arise as to such child's qualification for employment.

10. These lists will also, if a family migrates from one district to another, enable the local authorities of the two districts to communicate with each other as to a child's qualification for employment, so far as previous school attendance is concerned, if he is unable to produce his own certificate on this point.

11. If a child's certificate is lost, or if the registers of a school are accidentally destroyed or not forthcoming, in consequence of the closing of the school, the local authority shall, so far as may be possible, grant such certificates of a child's school attendances as may be required from the lists supplied to them by the managers.

The fee payable to the local authority for supplying certificates in this case shall not exceed 1d. for the entry of the child's school attendances for each year.

•                   *Certificates of Proficiency.*

12. Certificates of proficiency will be granted only after

an examination held, as hereinafter described, by one of Her Majesty's inspectors of schools, or his assistant. No separate examination of individual children will be held for the purpose.

13. The inspector, after any visit paid, with notice, to a certified efficient school, will grant such certificates as may be required for children who have reached the standard prescribed by, or pursuant to the provisions of, the Elementary Education Act, 1876, or of any byelaw of the local authority of the district, or of any Act for regulating the education of children employed in labour.

14. Certificates will be issued for those scholars only who pass in all the three subjects in the prescribed standard, or in a higher standard.

15. For the purpose of these certificates the inspector or his assistant will examine—

- (1.) Any scholars in the school :
- (2.) Other children, resident in the district, not being scholars in the school, allowed by the managers to attend the examination, on the application of the local authority of the district, or of a local committee.

16. When the candidates for certificates of proficiency in a district, not being scholars in a certified efficient school, are more than 15 in number, application for a *special examination* may be made by the local authority, or by a local committee, subject to the following regulations :—

- (a.) The application shall be sent to the *inspector for the district* not less than 20 days before the date at which it is desired that the examination should be held.
- (b.) The local authority, or local committee, must specify the number of children to be presented for examination, and must undertake—

That all children within their district for whom certificates are needed will be allowed to attend the examination ; and

That a convenient room will be provided for the examination on such day, and at such hour, as shall be fixed by the inspector.

17. The special examination may also be attended by

any child qualified by age for full time employment who, having failed to pass, at the examination of its school, in one or more of the three subjects in the standard prescribed in the district, either by the Act of 1876 or by the byelaws of the district, wishes to be examined again for the purpose of obtaining a certificate.

18. A child cannot be examined a second time until three months have elapsed since the date of the examination at which it failed, and must on each occasion be examined in all the three subjects of the standard in which it is presented.

19. The inspector will not grant certificates to individual children. He will forward to the managers of each certified efficient school at which he has held an examination, and to the local authority, or local committee, in the case of each *special examination*, a schedule showing the results of the examination of each child, and deputing the teacher of the school, or an officer of the local authority or local committee, to grant certificates to such children as have passed successfully.

When this schedule is sent to the managers of a school, or to a local committee, they shall forthwith transmit a certified copy of it to the local authority for record.

*Child's School Book.*

20. A form, with this title, will be prepared which will combine all the three above-mentioned certificates. It will thus show the child's date of birth, attendances at school, and the standards which it may successively pass during its school life. The form with its certified entries will also serve as a pass to work, which can be shown to any person who may wish to take the child into his employment.

21. The production of this form will, in accordance with Article 19 B 6, in the code of the Department (1877), in the case of every child admitted to a school after the 1st of January, 1878, be made a condition of the child's examination for a grant to a public elementary school.

22. The form, on the child's admission to a school, will be given up to the teacher, who will keep it, and at the end



of every year make an entry of the child's attendances (after 5 years of age) and of any standard in which the child may have passed successfully (regulation 19) during the year. The form will be given back on the child leaving the school, either for work or to go to another school.

*General.*

23. All the forms referred to in these regulations shall be kept by every local authority, from whom they are to be obtained free of cost or charge, except in the cases where any fee is specially allowed.

24. These forms may be procured from the Education Department by the local authority, who shall supply such number of copies as may be necessary to any local committee appointed by them, or to the managers of any certified efficient school in their district.

25. Any teacher making a charge for an entry in any of these forms not expressly sanctioned in these regulations, or refusing to make an entry from the school registers in a form presented to him for the purpose, will no longer be recognised by the Education Department as the teacher of a certified efficient school, and any certificate held by such teacher may be suspended or cancelled.

26. No certificate, purporting to be granted under these regulations, will be recognised unless given in one of the printed forms prescribed for the purpose by the Education Department.

27. In these regulations—

- (a.) The term "local authority" means a school board, or a school attendance committee (*Elementary Education Act, 1876, secs. 7 and 88*).
- (b.) The term "local committee" means a committee, appointed by a school attendance committee, for a parish, or other area, in the district of such local authority (*ibid.*, sec. 82).
- (c.) The term "certified efficient school" means a public elementary school, and any elementary school

which is certified by the Education Department to be an efficient school (*ibid.*, sec. 48).

- (d.) The term "attendance" means the attendance of a child at a morning or afternoon meeting of a school, during not less than two hours of instruction in secular subjects if above, or one hour and a half if under, seven years of age.

*Honour Certificates.*

II. With respect to the Payment of School Fees under the Elementary Education Act, 1876, on behalf of children who obtain certain certificates of proficiency and due attendance at school.

1. If a child attending a public elementary school, being less than 11 years of age at the yearly examination of the scholars of such school for annual grants, is certified in a form to be prescribed for the purpose by the Education Department,—

- (a.) To have passed in each of the three subjects of reading, writing, and arithmetic, in the standard fixed by the fourth or any higher standard of the code of the Department; and
- (b.) To have made 850 attendances, after five years of age, in not more than two public elementary schools during each year, for *two*<sup>1</sup> previous years;

The school fee charged for such child at any public elementary school, in the course of the next three years, may be paid by the Department.

2. Not more than 10 per cent. of the children above seven years of age presented for examination in a school, in any year, shall become entitled to payment of their fees under this order, and if the children qualified for such payment exceed the said per-centage, those who have attended the greatest number of times shall have the preference.

3. The continuance of the payment of the fee for a child shall be conditional upon the child (a) attending one school

<sup>1</sup> In 1879 this will be raised to *three*, in 1880 to *four*, and in 1881 to *five* years.

in each school year for not less than 850 attendances in the year, (b) obtaining at the end of the year a certificate of proficiency in reading, writing, and elementary arithmetic, according to a standard higher than the standard passed at the end of the previous year, and (c) passing in one of the specific subjects of secular instruction contained in the Fourth Schedule in the code of the Education Department.

4. For the purposes of this order there shall be deemed to be a *seventh* standard in the code of the Department, comprising a thorough proficiency in reading, writing, and elementary arithmetic, as prescribed by the six standards set forth in the 28th Article of that code, with the addition of interest (simple and compound).

5. Every school by previous attendance at which a child is qualified for obtaining the payment of fees, and the school at which the fees are paid by the Department, shall be a school, or a department of a school, at which the ordinary school fee does not exceed 6*d.* a week.

6. The school at which a child's fee is paid need not be the same as that at which the examination qualifying the child for such payment was passed.

7. The fees paid under this order shall be paid to the managers, at the same time with the grant, under the code of the Department, and are to be reckoned as school pence, for the purposes of Article 82 (a) of that code.

8. A special certificate of honour will be granted by the Department to every child who becomes qualified for payment of fees under this order.

F. R. SANDFORD,

*Secretary.*

## FORM OF BYELAWS ISSUED BY EDUCATION DEPARTMENT.<sup>1</sup>

BYELAWS MADE UNDER SECTION 74 OF THE ELEMENTARY EDUCATION ACT, 1870, AS AMENDED BY THE ELEMENTARY EDUCATION ACT, 1876.

For the<sup>2</sup>

By the<sup>3</sup>

### *Definitions.*

#### 1. In these byelaws

The term "district" means<sup>4</sup>

The term "child" means a child residing in the district.

The term "school" means a certified efficient school.

<sup>1</sup> When byelaws have been adopted, one copy of the form, with the alterations in ink, should be transmitted to the Education Department for consideration, before any further steps whatever are taken. Another copy of the form with the alterations should be retained by the School Board or School Attendance Committee. As soon as the Education Department consider that the byelaws are in such a form that they may be printed and deposited, the School Board or School Attendance Committee will be informed of that fact, and full instructions will be sent by the Department to the Board or School Attendance Committee, as to the publication and deposit required by sec. 74 of the Elementary Education Act, 1870.

<sup>2</sup> Insert the name of the district to which it is intended that the proposed byelaws shall relate.

<sup>3</sup> Insert the name of the School Board or School Attendance Committee making the proposed byelaws.

<sup>4</sup> Insert the name of the district to which it is intended that the proposed byelaws shall relate.

"Attendance" means an attendance at a morning or afternoon meeting as defined by the Code of 1876.

The "Code of 1876" means the Code of Minutes of the Education Department made in the year 1876, with respect to the parliamentary grant to public elementary schools in England.

The term "local authority" means the local authority for the district acting for the time being under the Elementary Education Act, 1876.

*Children to attend school.*

2. The parent of every child of not less than 5 nor more than 13 years of age, shall cause such child to attend school, unless there be a reasonable excuse for non-attendance.

*Reasonable excuses.*

Any of the following reasons shall be a reasonable excuse, namely:—

- (a) That the child is under efficient instruction in some other manner.
- (b) That the child has been prevented from attending school by sickness or any unavoidable cause.
- (c) That there is no public elementary school open, which the child can attend, within<sup>1</sup> miles measured according to the nearest road, from the residence of such child.

*Time of attendance.*

3. The time during which every child shall attend school shall be the whole time for which the school selected shall be open for the instruction of children of similar age, including the day fixed by Her Majesty's inspector for his annual visit.

<sup>1</sup> Insert a number not greater than three.

*Proviso as to religion and labour Acts.*

4. Provided always that nothing in these byelaws—
- (a) Shall prevent the withdrawal of any child from any religious observance or instruction in religious subjects :
  - (b) Shall require any child to attend school on any day exclusively set apart for religious observance by the religious body to which his parent belongs ; or
  - (c) Shall have any force or effect in so far as it may be contrary to anything contained in any Act for regulating the education of children employed in labour.

*Proviso as to standard for exemption.*

5. And provided always that—
- (a) A child between ten and thirteen years of age shall not be required to attend school if such child has received a certificate from one of Her Majesty's inspectors of schools that it has reached the *fifth*<sup>1</sup> Standard prescribed by the Code of 1876.
  - (b) A child between ten and thirteen years of age shown to the satisfaction of the local Authority to be beneficially and necessarily employed shall not be required to attend school for more than 150<sup>2</sup> *attendances in each year* if such child has received a certificate from one of Her Majesty's inspectors of schools that it has reached the *standard*<sup>3</sup> prescribed by the Code of 1876.

<sup>1</sup> This standard has been generally adopted. No standard lower than the fourth will be approved.

<sup>2</sup> This may be varied by inserting "5 attendances in each week during which the school is open," or "150 (or more) attendances during certain (specified) months in the year."

<sup>3</sup> Insert the third or some or some other standard.

***Penalty.***

6. Every parent who shall not observe, or shall neglect or violate these byelaws, or any of them, shall, upon conviction, be liable to a penalty not exceeding, with the costs, five shillings for each offence.

**Revocation.**

7. Any byelaws heretofore made under section 74 of the Elementary Education Act, 1870, or under that section as amended by the Elementary Education Act, 1876, are hereby revoked as from the day on which the present byelaws shall come into operation.

The above byelaws were made by the \_\_\_\_\_ at a meeting held on  
the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

In witness whereof the School Board have hereunto set their  
common seal this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_.

18 .

L.S.

*Sealed in the presence of*

*Chairman.*

**Clerk.**

<sup>1</sup> Insert the name of the School Board or School Attendance Committee making the proposed byelaws.

<sup>2</sup> The words from "in witness" to "in the presence of" must be omitted when a School Attendance Committee make the bylaws.

### REGULATIONS AS TO PASSING RESOLUTIONS FOR APPLICATION FOR SCHOOL BOARDS.

The Education Act of 1876, by sec. 22 (see p. 53), provides that the requisition of a parish to a School Attendance Committee with regard to byelaws shall be made by a resolution passed by the same persons and in the same manner and subject to the same regulations of the Education Department as a resolution for an application for a School Board.

The regulations of the Education Department as to passing resolutions for applications for School Boards are as follows:—

AT THE COUNCIL CHAMBER, WHITEHALL, THE 3RD DAY OF OCTOBER, 1878, BY THE LORDS OF THE COMMITTEE OF THE PRIVY COUNCIL ON EDUCATION.

1.—Their Lordships read and approved the following:—

*General Regulations as to passing Resolutions "for Application for School Boards" in Parishes not situate within Municipal Boroughs or within the Metropolis.*

WHEREAS, by the 12th section of the Elementary Education Act, 1870, application may be made to the Education Department, in certain cases, for leave to form a School Board.

And whereas such application must be made by a resolution passed in accordance with the provisions of the second part of the second schedule to the said Act.

And whereas the passing of such resolution must be in accordance with such regulations as the Education Department may by order prescribe.

Now, therefore, the Lords of the Committee of Council on Education, by virtue and in exercise of the powers in them vested under the Elementary Education Acts, 1870 and 1873,



and of every other power enabling them in this behalf, do order, and it is hereby ordered as follows:—

The following regulations as to passing any such resolution as aforesaid shall be observed in any parish not situate within a municipal borough, or within the metropolis:—

— 1. Upon requisition in writing, signed by fifty ratepayers entitled to vote in pursuance of the Elementary Education Act, 1878, or by one-third of the persons who are ratepayers of any parish and so entitled to vote, the summoning officer shall, within fourteen clear days after receiving such requisition, convene a meeting of such ratepayers as aforesaid, for the purpose of considering such resolution as hereinafter mentioned.<sup>1</sup>

<sup>1</sup> With regard to the persons entitled to vote as ratepayers, the 86 & 37 Vict., c. 86, schedule 11, rule 1 (c) provides as follows:—

“In a parish which is not situate in the City of London or in a borough, other than the borough of Oxford, the book containing the last rate made for such parish more than one month previously to any date shall be the register of the ratepayers entitled to vote in such parish at that date; and every ratepayer whose name appears in such rate-book shall be entitled to vote, unless he is disqualified for voting, and no person shall be entitled to vote whose name does not so appear.”

The rate which is contemplated by this provision is no doubt the rate for the relief of the poor, but it is not so stated.

The Poor Rate Assessment and Collection Act, 1869 (32 & 33 Vict., c. 41), by sec. 17, provides, that “a poor rate shall be deemed to be *made* when it is allowed by the justices, and if the justices sever in their allowance” (or, in other words, when it is not signed on the same day by all the justices by whom it is allowed), “then on the day of the last allowance.”

The rate-book, as the register of ratepayers, is intended to be conclusive on the returning officer, subject to the legal disqualifications for voting. These disqualifications are those which arise from statutory prohibition, as in the case of a person who has been convicted of corrupt practices at the election of a member of a School Board (33 & 34 Vict., c. 75, s. 91), and a person who is in the receipt of parochial relief (39 & 40 Vict., c. 61), or by common law, as in the case of married women.

By the Acts relating to voting at vestry meetings a person, though assessed to the poor rate, is not entitled to vote at a vestry unless he has paid any poor rate which has become due more than three calendar months immediately preceding the vestry meeting—the payment of the rate by an owner under the Poor Rate Assessment and Collection Act, 1869, being deemed a personal payment by the occupier. In School Board elections, however, a ratepayer whose name appears of

The summoning officer shall be the clerk of the union of which any parish forms part, or the person for the time being discharging the duties of such clerk.

2. *Seven* clear days, at least, before the day of the meeting, the summoning officer shall publish a notice,<sup>1</sup> stating that a requisition has been received by him requiring him to call a meeting of the ratepayers for the purpose of passing a resolution that it is expedient that a School Board should be

the rate-book which forms the register will be entitled to vote, notwithstanding the non-payment of any rate.

Much difference of opinion has existed as to whether when the owner of a hereditament is rated, and actually pays the rate instead of the occupier, the owner as well as the occupier, or the occupier alone, is entitled to the qualifications and franchises in respect of the rating and payment of rates. It appears, however, from a circular letter of the Education Department, dated the 14th of November, 1870, addressed to the deputy returning officers for the divisions of the metropolis, as to the persons who were to be deemed to be "ratepayers" in the election of the School Board for London, that the Education Department considered that the owners of tenements who were rated *under an order of vestry* under sec. 4 of the Poor Rate Assessment and Collection Act, as well as the occupiers of the tenements, were entitled to vote in the election. But the subsequent provision in the second schedule of the 36 & 37 Vict., c. 86, renders it necessary in order to entitle either the owner or the occupier to vote that his name should appear in the rate-book which forms the register. The rate-book distinguishes the owners who are thus rated, as it is in these cases only that the column of the rate-book headed, "Amount of rate assessed upon and payable by the owner instead of the occupier, by virtue of the statute or statutes in that behalf," will be filled up. In the cases where owners have voluntarily agreed to pay the rates instead of the occupiers, and are not rated under an order of vestry, the occupiers and not the owners are assessed, and it would seem to follow that the occupiers alone can be regarded as "ratepayers."

See also Owen's School Board Election Manual. Knight & Co., Fleet Street, London.

When the requisition purports to be signed by one-third of the ratepayers, great care should be exercised that the signatures of *at least* that proportion of the full number of ratepayers of the parish or township is obtained, as otherwise serious questions may be raised as to the validity of the subsequent proceedings. When it purports to be signed by fifty ratepayers it will be desirable that the signatures of a larger number should be obtained, in order to cover any possible defects of qualification.

The Education Department state that the word "convene" is to be read as meaning "issue the summons for."

<sup>1</sup> As to publication of notices, see Art. 19.

formed for the said parish, and that a meeting of the rate-payers will, accordingly, be held at some convenient time and place (to be specified in such notice), for the purpose of considering such resolution.

3. Every person who, at the time of the meeting, is entitled to vote in the election of members of a School Board for the parish, shall be entitled to be present and to vote at such meeting, and every such ratepayer shall have one vote only.<sup>1</sup>

4. At the time and place so specified, some person chosen at the meeting shall take the chair, and any such ratepayer, as aforesaid, may propose such resolution as aforesaid, to be seconded by some other such ratepayer as aforesaid.

5. If no such resolution is proposed and seconded at the time and place aforesaid, or if the same is withdrawn or negatived, the chairman shall declare the resolution to have been negatived, and shall publish notice thereof.<sup>2</sup> The resolution may at any time, before the taking of the poll, be withdrawn by the two ratepayers who proposed and seconded the same; and, in such case, no further proceedings shall be taken in respect of the poll.

6. If the resolution, duly proposed and seconded, is carried, and no demand for a poll is made, the chairman shall declare the resolution to have been passed, and shall publish notice thereof.

7. Any ten of such ratepayers as aforesaid may make demand in writing, to be delivered to the said chairman at the meeting, that a poll be taken on such resolution, and the same shall be taken, unless the major part of such ratepayers so signing the writing withdraw the same by notice in writing to the chairman at the meeting or to the summoning officer after the meeting, who shall publish notice thereof.<sup>3</sup>

8. If a poll be taken the summoning officer shall fix the day of taking the poll, which shall be not less than *ten* clear

<sup>1</sup> As to the persons entitled to vote in the election of a School Board for a parish, see p. 135.

<sup>2</sup> As to the publication of notices, see Art. 19.

<sup>3</sup> Any ten ratepayers entitled to vote in the election of a School Board for the parish may, at the meeting, demand a poll, whether the resolution is carried or negatived.

days after the day fixed for such meeting as aforesaid, and the said officer shall publish notice thereof.

9. The summoning officer shall determine the number and situation of the polling-stations, and for this purpose may cause any parish to be divided into polling districts. The said officer shall cause the boundaries of such districts and the number and situation of the polling stations to be published not less than *three* clear days before the day fixed for the polling.

The summoning officer shall provide everything which in the case of a municipal election is required to be provided by the mayor for the purpose of a poll.<sup>1</sup>

No publichouse shall be used as a polling-place.

10. If the parish is divided into polling-districts, each voter shall give his vote in the polling-district in which the property in respect of which he is entitled to vote is situate, and if such property is situate in more than one district, in any one of the districts in which it is situate.

11. The summoning officer, or some person or persons appointed by him, shall preside at each polling-station, provided that only one person shall preside at the same time.

12. The poll shall commence at such an hour, not earlier than 8 a.m., and close at such an hour, not later than 8 p.m., as shall be fixed by the summoning officer, but the poll shall be open for seven hours, and no more.

13. Subject to the provisions of this order, the poll shall be conducted in like manner, so far as circumstances admit, as a poll at a contested municipal election is directed by the Ballot Act, 1872,<sup>2</sup> to be conducted; and subject, as aforesaid, the provisions of that Act shall apply to the voting for or against the resolution, Provided that:

(a.) The ballot paper shall be in the form annexed to this order, and the cross indicating assent to, or dissent from, the resolution, shall be placed opposite the word

<sup>1</sup> It will devolve on the summoning officer to provide ballot boxes, ballot papers, materials for marking ballot papers, stamping instruments, etc. These, with all the necessary forms, may be obtained of Knight & Co., 90, Fleet Street, E.C.

<sup>2</sup> See Owen's Ballot Act Manual. Second edition. Knight & Co., Fleet Street, London.

"For," or the word "Against," as the case may be, and the form of directions, for the guidance of the voter in voting, shall be altered accordingly.

- (b.) Every voter shall be entitled to one vote.
- (c.) The "returning officer" shall mean the summoning officer hereinbefore mentioned.
- (d.) The expression "register of voters" means the book containing the last rate made for the parish, more than one month previously to the date of the requisition hereinbefore mentioned.<sup>1</sup>
- (e.) The provisions of secs. 8, 4, 11, and 24 of the Ballot Act, 1872, shall be deemed to be regulations contained in this order, which involve a penalty within the meaning of sect. 90 of the Elementary Education Act, 1870.

14. The person presiding at the poll may, and if required by any two voters, shall, put to any voter at the time of his applying for a ballot paper, but not afterwards, the following questions, or one of them ; but no other—

- (1.) Are you the person whose name appears as A. B. in the book containing the rate made on the \_\_\_\_\_ day of \_\_\_\_\_ and rated \_\_\_\_\_ therein for the property described as \_\_\_\_\_  
(Specify date and property in rate-book.)

(2). Have you already voted on this occasion?  
And no person required to answer any of the said questions shall be permitted or qualified to vote until he has answered the same.

15. Any two persons on behalf of the supporters and any two persons on behalf of the opponents of the resolution may be present at each polling station and at the counting of the votes.

If any dispute arises as to the persons who should be present, the summoning officer shall appoint two persons from among such supporters and two persons from among such opponents, and his decision shall be final.

16. In case of an equality of votes the resolution shall be deemed to be rejected.

<sup>1</sup> As to the register of voters, see p. 135.

17. The result of the poll shall be published by the summoning officer.

18. The summoning officer shall keep the ballot papers and all other documents connected with the poll for six months, subject to the directions of the Education Department, and shall then, unless otherwise ordered by the said Department, cause them to be destroyed.

19. Notices and other matters directed by this order to be published, shall be published in like manner as public notices are usually published in the parish to which they relate.

20. The summoning officer shall be entitled to such reasonable expenses as may have been incurred by him, and to a reasonable remuneration for his services, to be paid by the overseers. Provided that if any question should arise between the said officer and the overseers as to such expenses or remuneration, such question shall be referred to the Education Department, whose decision thereon shall be final and conclusive.

21. Words used in this order shall, so far as is consistent with the context, have the same meaning as the same words used in the Elementary Education Acts, 1870, 1878.

#### FORM OF BALLOT PAPER.

<p>Counterfoil No.</p> <p>NOTE.—The Counterfoil is to have a number to correspond with that at the back of the Ballot Paper.</p>	<p>Are you for or against a School Board?</p> <p>For                      (<i>Place for Cross</i>)</p> <p>Against                (<i>Place for Cross</i>)</p>
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#### FORM OF BACK OF BALLOT PAPER.

No.

NOTE.—The number on the ballot paper is to correspond with that on the counterfoil.

F. R. SANDFORD, *Secretary.*

## NEW CODE, 1876.

### STANDARDS OF EXAMINATION IN READING, WRITING, AND ARITHMETIC.

#### STANDARD I.

*Reading.*<sup>1</sup>—To read a short paragraph from a book not confined to words of one syllable.

*Writing.*—Copy in manuscript character a line of print, on slates or in copy books, at choice of managers; and write from dictation a few common words.

*Arithmetic.*—Simple addition and subtraction of numbers of not more than four figures, and the multiplication table, to six times twelve.

#### STANDARD II.

*Reading.*<sup>1</sup>—To read with intelligence a short paragraph from an elementary reading book.

*Writing.*—A sentence from the same book, slowly read once, and then dictated.

Copy books (large or half-text) to be shown.

*Arithmetic.*—The four simple rules to short division inclusive.

#### STANDARD III.

*Reading.*<sup>1</sup>—To read with intelligence a short paragraph from a more advanced reading book.

<sup>1</sup> Reading will be tested in the ordinary class books, if approved by the inspector; but these books must be of reasonable length and difficulty, and unmarked. If they are not so, books brought by the inspector will be used. Every class ought to have two or three sets of reading books. The class examination (Article 19, C.) will be conducted so as to show the intelligence, and not the mere memory of the scholars.

*Writing.*—A sentence slowly dictated once from the same book.

Copy books to be shown (small hand, capital letters, and figures).

*Arithmetic.*—Long division and compound addition and subtraction (money).

#### STANDARD IV.

*Reading.*<sup>1</sup>—To read with intelligence a few lines of poetry selected by the inspector.

*Writing.*—Eight lines slowly dictated once from a reading book.

Copy books to be shown (improved small hand).

*Arithmetic.*—Compound rules (money) and reduction (common weights and measures).<sup>2</sup>

#### STANDARD V.

*Reading.*<sup>1</sup>—Improved reading; and in day schools recitation of not less than 75 lines of poetry.<sup>3</sup>

*Writing.*—Writing from memory the substance of a short story read out twice; spelling, grammar, and handwriting to be considered.

*Arithmetic.*—Practice, bills of parcels, and simple proportion.

#### STANDARD VI.

*Reading.*<sup>1</sup>—Reading with fluency and expression; and in day schools recitation of not less than 50 lines of prose, or 100 of poetry.<sup>3</sup>

*Writing.*—A short theme or letter, the composition, spelling, grammar, and handwriting to be considered.

*Arithmetic.*—Proportion, vulgar and decimal fractions.

<sup>1</sup> See note as to reading, Standard I.

<sup>2</sup> The "weights and measures" taught in public elementary schools should be only such as are really useful; such as avoirdupois weight, long measure, liquid measure, time table, square and cubical measures, and any measure which is connected with the industrial occupations of the district.

<sup>3</sup> The passages for recitation may be taken from one or more standard authors, previously approved by the inspector. Meaning and allusions to be known, and if well known to atone for deficiencies of memory.



ORDER OF LOCAL GOVERNMENT BOARD AS TO  
CERTIFICATES OF BIRTH.<sup>1</sup>

*To all Superintendent Registrars, and Registrars of Births and Deaths in England and Wales; and to all others whom it may concern.*

WHEREAS by Section 25 of "The Elementary Education Act, 1876," it is enacted as follows:—

"Where the age of any child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child, any person on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Local Government Board, and on payment of such fee, not exceeding one shilling, as the Local Government Board from time to time fix, shall be entitled to obtain a certified copy under the hand of the registrar or superintendent registrar of the entry in the register under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of the child named in the requisition."

Now therefore, we, the Local Government Board, in pursuance of the powers given by the statutes in that behalf, hereby order as follows:—

ARTICLE I.—The requisition to be made to entitle any person to obtain a certified copy of an entry of a registry of birth under the section above-cited shall be in the form set forth in the schedule to this order; and the fee to be paid to the registrar or superintendent registrar shall be sixpence for each such copy furnished by him under that section.

<sup>1</sup> See sec. 25, p 57.

## SCHEDULE.

## THE ELEMENTARY EDUCATION ACT, 1876.

Requisition for a certified copy of an entry of birth for the purposes of the above Act, or for any purpose connected with the elementary education or employment in labour of a child.

To the Superintendent Registrar or Registrar of Births and Deaths having the custody of the register in which the birth of the under-mentioned child is registered :—

I, the undersigned, hereby demand, for the purposes above mentioned, or some or one of them, a certificate of the birth of the child named in the subjoined schedule.

Christian name and surname of the child of whose age a certificate is required.	Name of the parents of such child.		Where such child was born.	In what year such child was born.
	Father.	Mother.		

Dated this                      day of                      18   .

Signature

Address

Occupation

Given under the seal of office of the Local Government Board, this twenty-second day of February, in the year one thousand eight hundred and seventy-seven.

G. SOLATER-BOOOTH, *President.*

JOHN LAMBERT, *Secretary.*

PAYMENT OF SCHOOL FEES OF NON-PAUPER  
CHILDREN.<sup>1</sup>

ORDER OF LOCAL GOVERNMENT BOARD AS TO PRO-  
CEEDINGS OF GUARDIANS AND THEIR OFFICERS,  
AS TO SCHOOL FEES OF NON-PAUPER CHILDREN.

*To the Guardians of the Poor of the several Unions named in  
the Schedule B to this Order; and to all others whom it  
may concern.*

WHEREAS by Section 84 of the Elementary Education Act,  
1876, it is enacted as follows:—

“All enactments relating to guardians and their officers  
and expenses, and to relief given by guardians,  
shall, subject to the express provisions of this Act,  
apply as if the guardians, including the school atten-  
dance committee appointed by them, and their officers  
acting under this Act, and expenses incurred, and  
money paid for school fees, and relief given under  
this Act, were respectively acting, incurred, and  
paid, and given as relief, under the Acts relating to  
the relief of the poor, and the Local Government  
Board may make rules, orders, and regulations  
accordingly;”

And whereas by Section 10 and Section 35 of the said  
Act it is enacted as follows:—

“The parent, not being a pauper, of any child, who is  
unable by reason of poverty to pay the ordinary fee  
for such child at a public elementary school, or any  
part of such fee, may apply to the guardians having  
jurisdiction in the parish in which he resides; and

<sup>1</sup> See secs. 10 & 35, pp. 31, 70.

it shall be the duty of such guardians, if satisfied of such inability, to pay the said fee, not exceeding threepence a week, or such part thereof as he is, in the opinion of the guardians, so unable to pay ;”

\*            \*            \*            \*            \*

“ Money given under this Act for the payment of school fees for any child of a parent who is not a pauper, and is resident in any parish, shall be charged by the guardians having jurisdiction in such parish to that parish, with other parochial charges.”

And whereas it is expedient that regulations should be made under the above-cited enactments, so far as respects guardians of the poor and their officers :

Now therefore, we, the Local Government Board, in pursuance of the powers given by the several statutes in that behalf, hereby order as follows, with respect to each of the Unions named in the Schedule B to this order :

ARTICLE I.—The guardians may, with the approval of the Local Government Board, appoint a person or persons, or one or more of their officers, as Inquiry Officer or Officers, to discharge the duties hereinafter prescribed with reference to applications by parents, not being paupers, for payment of school fees.

Provided that no person shall be so appointed who has not reached the age of twenty-one years.

ARTICLE II.—Every such appointment shall be made by a majority of the guardians voting on the question.<sup>1</sup>

Provided that no appointment shall be made unless a notice that the question of making such appointment will be brought before the guardians has been given and entered on the minutes, at one of their two ordinary meetings next preceding the meeting at which the appointment is made, or unless an advertisement giving notice of the consideration of such appointment shall have appeared in some public paper

<sup>1</sup> The 4 & 5 Wm. 4, c. 76, by sec. 38, provides that no act of any meeting of guardians shall be valid unless three members are present and concur therein. Consequently, if only three guardians are present at the meeting at which the appointment is made, there cannot be a valid appointment unless the guardians are unanimous.

by the direction of the guardians at least seven days before the day on which such appointment is made : provided also, that no such notice or advertisement shall be necessary for the appointment of an assistant or temporary substitute.

ARTICLE III.—The guardians shall pay the Inquiry Officer or Officers so appointed such remuneration, by annual salary or otherwise, as may be approved by the Local Government Board, and such remuneration shall be paid quarterly at the several quarters ending at the usual Feast Days in the year, namely, Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day, and if it be by annual salary it shall be considered as accruing from day to day, and be apportionable in respect of time accordingly, in pursuance of the provisions of "The Apportionment Act, 1870."

ARTICLE IV.—Every person appointed under this order shall hold office until he shall die, or resign, or be removed by the Local Government Board, or by the guardians with the assent of that board, or be proved to be insane by evidence which that board shall deem sufficient; and the guardians shall give notice to the Local Government Board of every such death or resignation, and state the cause of such resignation, so far as it may be known to them.<sup>1</sup>

ARTICLE V.—If any officer appointed under this order be at any time prevented by sickness or accident, or other sufficient reason, from performing his duties, the guardians may appoint a fit person to act as his temporary substitute, and may pay him a reasonable compensation for his services : and every such appointment shall be reported to the Local Government Board as soon as the same shall have been made.

ARTICLE VI.—The following shall be the duties of the Inquiry Officer :—

No. 1. To attend all such meetings of the guardians as they shall by any general or special directions require him to attend.

No. 2. To receive all applications for payment of school

<sup>1</sup> See note, p. 215, as to appointment of officer for limited period only.

fees made to him by parents,<sup>1</sup> not being paupers, residing within the district for which he is appointed to act, and forthwith to examine into the circumstances of every case by visiting the house of the applicant, and by making all necessary inquiries as regards the means of the applicant, and the other particulars required to be set forth in the Form No. 1 in the Schedule A to this order.

No. 3. In cases where such applications are made to the guardians directly, to make a similar examination and inquiry, so far as he may be required by them to do so.

No. 4. To enter the particulars of each case in a book, to be termed the "School Fees Application and Report Book," and to be kept in the Form No. 1 set forth in the Schedule A to this order, and to lay such book before the guardians at their ordinary meetings, and at any other meetings which he may be required to attend.

No. 5. To make such further inquiry into the several cases, from time to time, as the guardians by any general or special directions may require him to make.

No. 6. To perform the duties prescribed by Art. X. of this order, when the school fees are required by the guardians to be paid by him, and to observe and execute all lawful orders and directions of the guardians applicable to his office.

ARTICLE VII.—The guardians shall, at their ordinary meetings, on receiving such applications as aforesaid, whether directly or through the Inquiry Officer, give the necessary directions thereon, and where any application is granted, shall also give directions as to the amount of the school fee to be paid<sup>2</sup> and the time for which the payment is to be made. They shall also from time to time, as may be necessary, take into consideration the question of the

<sup>1</sup> For definition of the term "parent," see art. xiv.

<sup>2</sup> See sec. 10 of the Act as to the limit of the amount of the fee to be paid.

continuance of any such payment ordered by them, and give directions thereon.

Provided that the guardians may, if they think fit, adjourn to any particular time or place for the more convenient hearing of such applications and deciding thereon.

ARTICLE VIII.—The proceedings of the guardians under this order shall be entered on their minutes, and the order made by them with respect to each application for payment of school fees shall be entered by their clerk or by the presiding chairman in the said "School Fees Application and Report Book," and also in a book to be termed the "School Fees Order Book," and to be kept in the Form No. 2 set forth in the said Schedule A.

ARTICLE IX.—The fees ordered to be paid as aforesaid shall be paid by the guardians, through the Inquiry Officer or otherwise, at such quarterly or other periods as may be agreed upon between them and the School Board or School Managers, subject to any deduction which may be required to be made in respect of the non-attendance at school of any child.

ARTICLE X.—If the guardians pay the school fees through the Inquiry Officer, he shall duly and punctually make such payments to the School Board or School Managers, in accordance with the directions given to him by the guardians.

The Inquiry Officer shall in such case keep an account in the Form No. 8 in the Schedule A to this order, to be termed the "School Fees Receipt and Payment Account," in which shall be entered all moneys received and paid by him on account of the guardians, under their proper dates. He shall balance this account once every month, or oftener if required by the guardians to do so, and shall submit it, with the proper vouchers, to the clerk to the guardians for examination, at such periods as they may appoint.<sup>1</sup>

ARTICLE XI.—On the School Fees Receipt and Payment

<sup>1</sup> If the guardians arrange to pay the school fees by an order on the treasurer of the union instead of through the Inquiry Officer, the necessity for keeping the School Fees Receipt and Payment Account will be avoided.

Account being submitted to the clerk as aforesaid, the clerk shall compare the entries of payments therein with the vouchers, and ascertain that the Inquiry Officer has debited the account with all sums received by him, and produces proper vouchers for all payments made by him. The clerk shall insert his initials at the foot of the account, and report to the guardians at their next meeting the result of his examination.

**ARTICLE XII.**—The books to be kept in pursuance of Article VIII. of this order shall be submitted by the clerk to the guardians, and the account to be kept under Article X., together with the proper vouchers, shall be submitted by the Inquiry Officer to the auditor of the Union at the same times as the other books and accounts of the Union are submitted for audit; and the auditor shall audit the same, subject to the regulations in force in the Union for the time being in regard to the audit of accounts; which, both as regards the auditor and the officers concerned, shall, so far as they are applicable, apply to the said books and the said account.

**ARTICLE XIII.**—The "School Fees Order Book" shall be included by the auditor in the statement which by any order in force in the Union he is required to make at the close of each audit, and to transmit to the Local Government Board, as respects the books of the clerk to the guardians, an addition being made to the form for that purpose, in the manner set forth in the Form No. 4 in the Schedule A to this order. A similar statement shall be made by the auditor with regard to the "School Fees Application and Report Book," and the "School Fees Receipt and Payment Account," such statement being appended to the form relating to the books of the relieving officer, in the manner set forth in the Form No. 5 in that Schedule.

**ARTICLE XIV.**—In this order,—

The term "guardians" includes any body of persons performing the functions of guardians within the meaning of the Acts relating to the relief of the poor.

The term "Union" means any Union or incorporation of parishes under any general or local Act, and any single parish having guardians as above defined, under any general or local Act.



## **FEES OF NON-PAUPER CHILDREN—REGULATIONS. 151**

The term "child" means a child between the ages of five and fourteen years.

The term "parent" includes guardian and every person who is liable to maintain or has the actual custody of any child.



**SCHEDULE A:**

**Form No. 1.—(continued).**

Quarter ending 187.

Name of Inquiry Officer

[illegible]

## FORM No. 2.

*School Fees Order Book.*Quarter ending 187.UNION. [PARISH OF                     ].

No. in School Fee Applica- tion and Report Book (if any).	Name of Child in respect of whom application is made.	Name of Parish where Applicant is resident.	Name or Number of District.	Public Elementary School selected by Applicant.	Amount of Weekly School Fee ordered to be paid by Guardians.	For what time ordered.	Other Orders of the Board (if any).

Dated this            day of            187 , being for  
the            Week of the Quarter.



## FORM No. 4.

*Audit District.*

A STATEMENT of the AUDITOR,  
in reference to the Books of the \_\_\_\_\_ UNION, for the  
Half-year ended \_\_\_\_\_ 187 .

As to the Books required to be kept by the CLERK,

Mr. \_\_\_\_\_

By the TREASURER,

Mr. \_\_\_\_\_

By the COLLECTOR OF THE GUARDIANS.

Mr. \_\_\_\_\_

## OBSERVATIONS.

	CLERK.
Minute Book.	
General Ledger.	
Non-settled Poor Ledger.	
Parochial Ledger.	
Relief Order Book.	
School Fees Order Book.	
Order Check Book.	
Pauper Classification Book.	
Petty Cash Book.	
	TREASURER.
The Treasurer's Book.	
	COLLECTOR OF THE GUARDIANS.
The Collector's Book.	
The Audit of the above Books was concluded the _____ day of _____ 187 .	

*Auditor.*

Date \_\_\_\_\_ 187 .

Against the name of any book contained in this statement which is not kept at all, or is imperfectly kept, the auditor is to write in the former case "not kept," and in the latter "imperfectly." In case of any book being imperfectly kept, the general nature of the imperfection is to be set forth *on the other side*, together with such observations as the auditor considers requisite.

# FEES OF NON-PAUPER CHILDREN—REGULATIONS. 157

Form No. 5.

*Audit District.*

A STATEMENT of the AUDITOR,  
in reference to the Books of the Officers of the \_\_\_\_\_  
UNION, for the Half-year ended \_\_\_\_\_ 187 .

As to the Books required to be kept by the RELIEVING  
OFFICER,

Mr. \_\_\_\_\_ .

By the INQUIRY OFFICER,

Mr. \_\_\_\_\_

## OBSERVATIONS.

	RELIEVING OFFICER.
Application and Report Book.	
Out-door Relief List.	
Out-door Relief List for Vagrants.	
Abstract of Out-Relief List.	
Receipt and Expenditure Book.	
Quarterly Summary of Receipts and Expenditure.	
	INQUIRY OFFICER.
School Fees Application and Report Book.	
School Fees Receipt and Payment Account.	
The Audit of the above Accounts was concluded the _____ day of _____ 187 .	

*Auditor,*

Date \_\_\_\_\_ 187 .

Against the name of any book contained in this statement which is not kept at all, or is imperfectly kept, the auditor is to write in the former case "not kept," and in the latter "imperfectly." In case of any book being imperfectly kept, the general nature of the imperfection is to be set forth *on the other side*, together with such observations as the auditor considers requisite.

## SCHEDULE B.

## UNIONS AND INCORPORATIONS.

Aberaeron.	Bedale.	Bridgnorth.
Abergavenny.	Bedford.	Bridgwater.
Aberystwith.	Bedminster.	Bridlington.
Abingdon.	Bedwellty.	Bridport.
Alcester.	Belford.	Bristol.
Alderbury.	Bellingham.	Brixworth.
Alnwick.	Belper.	Bromley.
Alresford.	Berkhampstead.	Bromsgrove.
Alton.	Berwick-upon-Tweed.	Bromyard.
Altrincham.	Beverley.	Buckingham.
Amersham.	Bicester.	Builth.
Amesbury.	Bideford.	Buntingford.
Amphill.	Biggleswade.	Burnley.
Andover.	Billericay.	Burton-upon-Trent.
Anglesey.	Billesdon.	Bury.
Ashbourne.	Bingham.	Bury St. Edmunds.
Ashby-de-la-Zouch.	Birkenhead.	Caistor.
Ashton-under-Lyne.	Bishop Stortford.	Calne.
Aston.	Blaby.	Cambridge.
Atcham.	Blackburn.	Camelford.
Atherstone.	Blandford.	Cannock.
Auckland.	Blean.	Canterbury.
Axbridge.	Blofield.	Cardiff.
Axminster.	Blything.	Cardigan.
Aylesbury.	Bodmin.	Carlisle.
Aylsham.	Bolton.	Carmarthen.
Aysgarth.	Bootle.	Carnarvon.
Bakewell.	Bosmere and Claydon.	Castle Ward.
Bala.	Boston.	Catherington.
Banbury.	Bourn.	Caxton and Arrington.
Bangor and Beaumaris.	Brackley.	Cerne.
Barnet.	Bradfield.	Chalvey.
Barnsley.	Bradford (Wilts).	Chapel-en-le-Frith.
Barnstaple.	Bradford (W. York).	Chard.
Barrow-upon-Soar.	Braintree.	Cheadle.
Barton Regis.	Bramley.	Chelmsford.
Barton-upon-Irwell.	Brampton.	Cheltenham.
Basford.	Brecknock.	Chepstow.
Basingstoke.	Brentford.	Chertsey.
Bath.	Bridge.	Chester.
Battle.	Bridgend and Cow-	Chesterfield.
Beaminster.	bridge.	Chester-le-Street.



# FEES OF NON-PAUPER CHILDREN—REGULATIONS. 159

Chesterton.	Dudley.	Goole.
Chichester.	Dulverton.	Gower.
Chippenham.	Dunmow.	Grantham.
Chipping Norton.	Durham.	Gravesend and Milton.
Chipping Sodbury.	Dursley.	Great Ouseburn.
Chorley.	Easington.	Greenwich.
Chorlton.	Easingwold.	Guildford.
Christchurch.	Eastbourne.	Gulthcross.
Church Stretton.	Easthampstead.	Guisborough.
Cirencester.	Eastry.	Hackney.
City of London.	East Ashford.	Hailsham.
Cleobury Mortimer.	East Grinstead.	Halifax.
Clitheroe.	East Preston.	Halstead.
Clun.	East Retford.	Haltwhistle.
Clutton.	East Ward.	Hambleton.
Cockermouth.	East and West Flegg.	Hardingstone.
Colchester.	Ecclesall Bierlow.	Hartismere.
Congleton.	Edmonton.	Hartlepool.
Conway.	Elham.	Hartley Wintney.
Cookham.	Ellesmere.	Haslingden.
Corwen.	Ely.	Hastings.
Cosford.	Epping.	Hatfield.
Coventry.	Epsom.	Havant.
Cranbrook.	Erpingham.	Haverfordwest.
Crediton.	Eton.	Hawarden.
Crickhowel.	Evesham.	Hay.
Cricklade and Wootton	Exeter.	Hayfield.
Bassett.	Falmouth.	Headington.
Croydon.	Fareham.	Helmsley Blackmoor.
Cuckfield.	Faringdon.	Helston.
Darlington.	Farnham.	Hemel Hempstead.
Dartford.	Faversham.	Hemsworth.
Daventry.	Festiniog.	Hendon.
Depwade.	Foleshill.	Henley.
Derby.	Forden.	Henstead.
Devizes.	Fordingbridge.	Hereford.
Dewsbury.	Forehoe.	Hertford.
Docking.	Freebridge Lynn.	Hexham.
Dolgelly.	Frome.	Highworth and Swin-
Doncaster.	Fulham.	don.
Dorchester.	Fylde, The.	Hinckley.
Dore.	Gainsborough.	Hitchin.
Dorking.	Garstang.	Holbeach.
Dover.	Gateshead.	Holbeck.
Downham.	Glanford Brigg.	Holborn.
Drayton.	Glendale.	Hollingbourn.
Driffield.	Glossop.	Holsworthy.
Droitwich.	Gloucester.	Holyhead.
Droxford.	Godstone.	Holywell.

Honiton.	Liskeard.	Newcastle-in-Emlyn.
Hoo.	Llandilo Fawr.	Newcastle-under-
Horncastle.	Llandoverly.	Lyme.
Horsham.	Llanelly.	Newcastle-upon-Tyne.
Houghton-le-Spring.	Llanfyllin.	Newent.
Howden.	Llanrwst.	Newhaven.
Hoxne.	Loddon and Clavering.	Newmarket.
Huddersfield.	Longtown.	Newport (Monmouth).
Hungerford.	Loughborough.	Newport (Salop).
Hunslet.	Louth.	Newport Pagnell.
Huntingdon.	Ludlow.	Newton Abbot.
Hursley.	Lunesdale.	Newtown and Llanid-
Ipswich.	Luton.	loes.
Isle of Thanet.	Lutterworth.	New Forest.
Isle of Wight.	Lymington.	New Winchester.
Keighley.	Macclesfield.	Northallerton.
Kendal.	Machynlleth.	Northampton.
Kettering.	Madeley.	Northleach.
Keynsham.	Maidstone.	Northwich.
Kidderminster.	Maldon.	North Aylesford.
Kingsbridge.	Malling.	North Bierley.
Kingsclere.	Malmesbury.	North Witchford.
King's Lynn.	Malton.	Norwich.
King's Norton.	Mansfield.	Nottingham.
Kingston.	Market Bosworth.	Nuneaton.
Kingston-upon-Hull.	Marlborough.	Oakham.
Kington.	Market Harborough.	Okehampton.
Kirkby Moorside.	Martley.	Oldham.
Knaresborough.	Medway.	Ongar.
Knighton.	Melksham.	Ormskirk.
Lampeter.	Melton Mowbray.	Orsett.
Lancaster.	Mere.	Oswestry.
Lancaster.	Meriden.	Oundle.
Langport.	Merthyr Tydvil.	Oxford.
Launceston.	Middlesborough.	Pateley Bridge.
Ledbury.	Midhurst.	Pattingham.
Leeds.	Mildenhall.	Pembroke.
Leek.	Milton.	Penistone.
Leicester.	Mitford and Laun-	Penrith.
Leigh.	ditch.	Penzance.
Leighton Buzzard.	Monmouth.	Pershore.
Leominster.	Morpeth.	Peterborough.
Lewes.	Mutford and Lothing-	Petersfield.
Lewisham.	land.	Petworth.
Lexden and Winstree.	Nantwich.	Pewsey.
Leyburn.	Narberth.	Pickering.
Lichfield.	Neath.	Plomesgate.
Lincoln.	Newark.	P'ymouth.
Linton.	Newbury.	P'ympton Sa'nt Mary.

# FEES OF NON-PAUPER CHILDREN—REGULATIONS. 161

Pocklington.	Saint Thomas.	Sturminster.
Pontardawe.	Salford.	Sudbury.
Pontefract.	Samford.	Sunderland.
Pontypool.	Scarborough.	Swaffham.
Pontypridd.	Sculcoates.	Swansea.
Poole.	Sedbergh.	Tadcaster.
Poplar.	Sedgefield.	Tamworth.
Portsea Island.	Seisdon.	Tarvin.
Potterspury.	Selby.	Taunton.
Prescot.	Settle.	Tavistock.
Preston.	Sevenoaks.	Teesdale.
Prestwich.	Shaftesbury.	Tenbury.
Pwllheli.	Shardlow.	Tendring.
Radford.	Sheffield.	Tenterden.
Reading.	Sheppey.	Tetbury.
Redruth.	Shepton Mallet.	Tewkesbury.
Reeth.	Sherborne.	Thakeham.
Reigate.	Shiffnal.	Thame.
Rhayader.	Shipston-on-Stour.	Thetford.
Richmond (Surrey).	Skipton.	Thingoe.
Richmond (N. York).	Skirlaugh.	Thirak.
Ringwood.	Sleaford.	Thornbury.
Ripon.	Smallburgh.	Thorne.
Risbridge.	Solihull.	Thrapston.
Rochdale.	Southam.	Ticehurst.
Rochford.	Southampton.	Tisbury.
Romford.	South Molton.	Tiverton.
Romney Marsh.	South Shields.	Todmorden.
Romsey.	South Stoneham.	Tonbridge.
Rosa.	Southwell.	Torrington.
Rothbury.	Spalding.	Totnea.
Rotherham.	Spilsby.	Towcester.
Royston.	Stafford.	Tregaron.
Rugby.	Staines.	Truro.
Runcorn.	Stamford.	Tynemouth.
Ruthin.	Stepney.	Uckfield.
Rye.	Steyning.	Ulverstone.
Saffron Walden.	Stockbridge.	Uppingham.
Saint Alban's.	Stockport.	Upton-upon-Severn.
Saint Asaph.	Stockton.	Uttoxeter.
Saint Anstell.	Stokesley.	Uxbridge.
Saint Columb Major.	Stone.	Wakefield.
Saint Faith.	Stourbridge.	Wallingford.
Saint George's.	Stow.	Walsall.
Saint Germans.	Stow-on-the-Wold.	Walsingham.
Saint Ives.	Strand.	Wandsworth and Clap-
Saint Neot's.	Stratford-upon-Avon.	ham.
Saint Olave's.	Stratton.	Wangford.
Saint Saviour's.	Stroud.	Wantage.

Ware.	West Derby.	Winchcombe.
Wareham and Purbeck.	West Firie.	Windsor.
Warminster.	West Ham.	Winalow.
Warrington.	West Hampnett.	Wirrall.
Warwick.	West Ward.	Wisbeach.
Watford.	Wetherby.	Witham.
Wayland.	Weymouth.	Witney.
Weardale.	Wharfedale.	Woburn.
Wellingborough.	Wheatenhurst.	Wokingham.
Wellington (Salop).	Whitby.	Wolstanton and Burs-
Wellington (Somerset).	Whitchurch (Salop).	lem.
Wells.	Whitchurch (South-	Wolverhampton.
Welwyn.	ampton.)	Woodbridge.
Wem.	Whitechapel.	Woodstock.
Weobley.	Whitehaven.	Woolwich.
Westbourne.	Wigan.	Worcester.
Westbury.	Wigton.	Worksop.
Westbury and Whor-	Williton.	Wortley.
welsdown.	Wilton.	Wrexham.
Westminster.	Wimborne and Cran-	Wycombe.
West Ashford.	borne.	Yeovil.
West Bromwich.	Wincanton.	York.

## SINGLE PARISHES.

Alston-with-Garrigill.	Saint Giles, Camberwell.
Alverstoke.	Saint John, Hampstead.
Barrow-in-Furness.	Saint Leonard, Shoreditch.
Birmingham.	Saint Luke, Chelsea.
Brighton.	Saint Marylebone.
East Stonehouse.	Saint Mary Abbott's, Kensington.
Great Yarmouth.	Saint Mary, Islington.
Liverpool.	Saint Mary, Lambeth.
Manchester.	Saint Mary and Saint Andrew,
Mill End Old Town.	Whittlesey.
Paddington.	Saint Matthew, Bethnal Green.
Saddleworth.	Saint Pancras.
Saint George-in-the-East.	Stoke Damerel.
Saint Giles-in-the-Fields and	Stoke-upon-Trent.
Saint George, Bloomsbury.	Toxteth Park.

Given under the seal of office of the Local Government Board, this twenty-second day of March, in the year one thousand eight hundred and seventy-seven.

G. SCLATER-BOOTH, *President*.  
JOHN LAMBERT, *Secretary*,

REGULATIONS OF LOCAL GOVERNMENT BOARD  
AS TO SCHOOL ATTENDANCE COMMITTEES.

*To the Guardians of the Poor of the several Unions in which School Attendance Committees may be appointed by Guardians under the Provisions of the Elementary Education Act, 1876 :—*

*To all School Attendance Committees so appointed; and to all others whom it may concern.*

WHEREAS by an order dated the 22nd day of March, 1877, the Local Government Board prescribed regulations under the Elementary Education Act, 1876, so far as respects guardians of the poor and their officers, in reference to the discharge of the duties of such guardians and officers under that Act,<sup>1</sup> and it is expedient that regulations should be made as respects School Attendance Committees appointed by such guardians, and the officers of such committees :

Now, therefore, we, the Local Government Board, in pursuance of the powers given by the several statutes in that behalf, hereby order as follows, with respect to the School Attendance Committee who may be appointed under the provisions of the above-mentioned Act by the guardians of any union, and the officers of such committee.

SECTION I.

*Meetings.*

ARTICLE I.—The School Attendance Committee shall meet

<sup>1</sup> The order will be found in the appendix, p. 145.

for the dispatch of business, and shall from time to time, as occasion may require, make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business, as they think fit.

ARTICLE II.—The proceedings of the School Attendance Committee at their meetings shall be duly recorded in a minute book to be kept by their clerk. At each meeting the minutes of the last preceding meeting shall be read to the committee, and such minutes shall be signed by the chairman presiding at the meeting at which the same are read.

ARTICLE III.—No business involving the employment or appointment, or the dismissal of any officer, any new expense, or any payment (except the ordinary periodical payments), or any business which under the Elementary Education Acts requires the consent of the Education Department, shall be transacted at any meeting of the School Attendance Committee, unless notice in writing of the general nature of such business has been sent to every member of the committee four days at least before the meeting.

## SECTION II.

### *Appointment of school attendance officers.*

ARTICLE IV.—Where the School Attendance Committee, with the consent of the guardians, direct an officer or officers of the guardians to act in the execution of the said Act, or of any byelaws in force within the jurisdiction of the committee, or, with the like consent, appoint an officer or officers for that purpose, such officers shall be termed "School Attendance Officers," and such direction or appointment shall be reported to the Local Government Board for their approval within fourteen days afterwards.

ARTICLE V.—No person shall be so appointed or employed unless he shall have reached the age of twenty-one years.

ARTICLE VI.—If any person who may have been directed

## SCHOOL ATTENDANCE COMMITTEES—REGULATIONS. 165

or appointed by the committee to act as provided in Article IV. be at any time prevented from acting by reason of sickness or accident, or other sufficient cause, the committee may direct some other officer of the guardians or appoint some other person to act as his temporary substitute, and every such direction or appointment, if the person be an officer of the guardians, shall be forthwith reported to the Local Government Board.

### SECTION III.

#### *Tenure of office.*

ARTICLE VII.—Every person appointed under this order shall hold office until he shall die, or resign, or be dismissed by the Local Government Board, or by the School Attendance Committee with the assent of the guardians, or be proved to be insane by evidence which the Local Government Board shall deem sufficient; and the committee shall give notice to the Local Government Board of every such death, resignation, or dismissal by the School Attendance Committee, and state the cause of such resignation, so far as it may be known to them, or of such dismissal.<sup>1</sup>

ARTICLE VIII.—Where an officer of the guardians is directed to act as an officer of the School Attendance Committee, he shall upon ceasing to be an officer of the guardians, or upon the withdrawal of the consent of the Local Government Board to his acting as an officer of the School Attendance Committee, cease to be an officer of that committee.

### SECTION IV.

#### *Remuneration of officers.*

ARTICLE IX.—The clerk and other officers of the School Attendance Committee shall receive such salary or remuneration as the committee assign to them and the guardians and the Local Government Board approve.

<sup>1</sup> As to appointment of officers for limited periods only, see note, p. 215.

Provided that the committee, with the approval of the guardians and of the Local Government Board, may pay to any such officer a reasonable compensation by way of gratuity on account of extraordinary services, or other unforeseen circumstances.

ARTICLE X.—If the remuneration be by annual salary, it shall be paid quarterly at the several quarters ending at the usual Feast Days in the year, namely, Midsummer Day, Michaelmas Day, Christmas Day, and Lady Day, and shall be considered as accruing from day to day, and be apportionable in respect of time accordingly, in pursuance of the provisions of "The Apportionment Act, 1870."

#### SECTION V.

##### *Duties of officers.*

ARTICLE XI.—The following shall be the duties of the clerk to the School Attendance Committee :—

- No. 1. To attend all meetings of the School Attendance Committee ; to keep punctually minutes of the proceedings at every meeting, and to enter the said minutes in a book, to be termed the minute book. To enter from time to time, at proper dates, in the minute book, a statement of all pecuniary transactions of the committee, and to submit the minutes so entered to the presiding chairman at the succeeding meeting for signature.
- No. 2. To peruse and conduct the correspondence of the committee according to their directions, and to preserve the same, as well as all orders, documents, and letters addressed to the committee and received by him as their clerk, together with copies of all letters sent, and all letters, books, papers, and documents belonging to the committee or intrusted to him by them, and to make all necessary copies thereof.
- No. 3. To communicate to the several persons appointed by the committee or acting under their direction



## SCHOOL ATTENDANCE COMMITTEES—REGULATIONS. 167

all orders and directions of the committee and other competent authorities, and, so far as may be, to give the instructions requisite for the prompt and correct execution of all such orders and directions, and to report to the committee any neglect or failure therein which may come to his knowledge.

- No. 4. To observe and execute all lawful orders and directions of the committee applicable to his office.

ARTICLE XII.—The following shall be the duties of a School Attendance Officer:—

- No. 1. To attend all such meetings of the School Attendance Committee as they may by any direction, whether general or special, require him to attend.
- No. 2. To make inquiries as to cases of employment of children contrary to the provisions of the said Act, and as to the non-attendance of children at school, and also as to cases of children who may be liable to be sent to certified industrial schools under the said Act or the Industrial Schools Act, 1866.
- No. 3. To record his proceedings and the result of his inquiries in a book to be provided for him for that purpose by the committee, and to submit such book to the committee at each meeting.
- No. 4. To observe and execute all lawful orders and directions of the committee applicable to his office.

## SECTION VI.

### *Receipts and expenses.*

ARTICLE XIII.—The School Attendance Committee shall, before the end of each of the usual quarters of the year, cause to be prepared and submitted to the guardians an estimate of the amount which, in the judgment of the committee, will be likely to be required during the ensuing quarter for the payment of their expenses.

**ARTICLE XIV.**—The School Attendance Committee shall from time to time certify to the guardians in the form set forth in the schedule to this order the expenses legally incurred by the committee, such certificate being signed by the chairman and one other member of the committee, and countersigned by the clerk.

**ARTICLE XV.**—The guardians shall, upon the receipt of such certificate, pay the expenses legally incurred and specified therein, in like manner as other payments are made by them in the ordinary discharge of their duties, unless in any case they shall be prevented by any rule of law or statute from making the payment.

**ARTICLE XVI.**—All sums received by the School Attendance Committee under the Elementary Education Act, 1876, shall be paid to the treasurer of the union to the credit of the guardians, to be applied in aid of the fund raised by them for the purposes of that Act; and every officer of the committee who may receive money on their behalf shall forthwith, or as and when directed by them, pay the amount to such treasurer to the credit of the guardians, to be applied by them in like manner.

## SECTION VII.

### *Interpretation of terms.*

**ARTICLE XVII.**—In this order—

The term “guardians” includes any body of persons performing the functions of guardians within the meaning of the Acts relating to the relief of the poor.

The term “union” means any union or incorporation of parishes under any general or local Act, and any single parish having guardians as above defined, under any general or local Act.

The term “children” includes any child between the ages of five and fourteen years.



## CERTIFIED DAY INDUSTRIAL SCHOOLS.

## ORDER IN COUNCIL.

*At the Court at Windsor, the 20th day of March, 1877.  
Present the Queen's Most Excellent Majesty in Council.*

WHEREAS by the 16th section of the Elementary Education Act, 1876, it is enacted as follows :—

If a Secretary of State is satisfied that, owing to the circumstances of any class of population in any school district, a school in which industrial training, elementary education, and one or more meals a day, but not lodging, are provided for the children, is necessary or expedient for the proper training and control of the children of such class, he may, in like manner as under the Industrial Schools Act, 1866, certify any such school (in this Act referred to as a day industrial school) in the neighbourhood of the said population to be a certified day industrial school.

It shall be lawful for Her Majesty from time to time, by Order in Council, to apply to a certified day industrial school the provisions of the Industrial Schools Act, 1866, and the Acts amending the same, with such modifications as appear to Her Majesty to be necessary or proper for adapting such provisions to a day industrial school, and bringing them into conformity with this Act; and such order may provide that a child may be punished for an offence by being sent to a certified industrial, in lieu of a certified reformatory school,

or may otherwise mitigate any punishment imposed by the said Act.

It shall be lawful for Her Majesty from time to time, by Order in Council, to revoke and vary any Order in Council made under this section.

Every such order shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, or if not, within one month after the beginning of the then next session of Parliament, and while in force shall have effect as if it were enacted in this Act.

Now, therefore, in pursuance of the above-mentioned Act, Her Majesty is pleased, by and with the advice of Her Most Honourable Privy Council, to order that the following provisions, being modified provisions of the Industrial Schools Act, 1866, and the Acts amending the same, shall apply to certified day industrial schools :—

*Extent of Order.*

1. This order shall not extend to Scotland or Ireland.

CONSTITUTION OF CERTIFIED DAY INDUSTRIAL SCHOOLS.

*Description of day industrial schools and managers*  
(29 & 30 Vict., c. 118, s. 5).

2. A day industrial school within this order shall mean a school in which industrial training, elementary education, and one or more meals a day, but not lodging, are provided for the children.

The persons for the time being having the management or control of such a school shall be deemed the managers thereof for the purposes of this order.

*Inspector of day industrial schools and assistants (29 & 30 Vict., c. 118, s. 6).*

3. The person who for the time being is inspector of industrial schools under the Industrial Schools Act, 1866, shall be also the inspector of day industrial schools.

The Secretary of State may from time to time appoint a fit person or persons to assist the inspector; and every person so appointed shall have such of the powers and duties of the inspector of day industrial schools as the Secretary of State from time to time prescribes, but shall act under the direction of the inspector.

*Mode of certifying day industrial school (29 & 30 Vict., c. 118, s. 7).*

4. The Secretary of State may, on the application of the managers of a day industrial school, direct the inspector of day industrial schools to ascertain whether such school is in the neighbourhood of any class of population in any school district the circumstances of which class are such that a day industrial school is necessary or expedient for the proper training and control of the children belonging to such class, and to examine into the condition of the school with respect to which the application is made, and its fitness for the reception of children to be sent there under this order, and to report to him thereon, and the inspector shall examine and report accordingly.

If satisfied with the report of the Inspector the Secretary of State may, by writing under his hand, certify that the school is fit for the reception of children under this order, and thereupon the school shall be deemed a certified day industrial school.

*School not to be certified day industrial school and also a certified industrial school or reformatory (29 & 30 Vict., c. 118, s. 8).*

5. A school shall not be at the same time a certified day

industrial school under this order, and a certified industrial school under the Industrial Schools Act, 1866, or any other Act, or a certified reformatory school.

*Notices of certificate to be gazetted. Copy of "Gazette" to be evidence (29 & 30 Vict., c. 118, s. 9).*

6. A notice of the grant of such certificate shall within one month be inserted by order of the Secretary of State in the *London Gazette*.

A copy of the *Gazette* containing the notice shall be conclusive evidence of the grant, which may also be proved by the certificate itself, or by an instrument purporting to be a copy of the certificate, and attested as such by the inspector of day industrial schools.

*Inspection of school (29 & 30 Vict., c. 118, s. 10).*

7. Every certified day industrial school shall from time to time, and at least once in each year, be inspected by the inspector of day industrial schools, or by a person appointed to assist him as aforesaid.

*Alterations, &c., of buildings to be approved (29 & 30 Vict., c. 118, s. 11).*

8. No substantial addition or alteration shall be made to or in the buildings of any certified day industrial school without the approval in writing of the Secretary of State.

*Powers of prison authority.*

9. Whereas it is enacted by the 16th section of the Elementary Education Act, 1876, that a prison authority within the meaning of the Industrial Schools Act, 1866, shall have the same powers in relation to a certified day industrial school as they have in relation to a certified industrial school:

It is hereby declared that a prison authority shall have the following powers :—

*Power to undertake or contribute towards establishment or maintenance of school* (29 & 30 Vict., c. 118, s. 27 ; 35 & 36 Vict., c. 21, s. 7).

- (a.) A prison authority may from time to time either themselves undertake or contribute such sums of money on such conditions as they think fit, towards the alteration, enlargement, or rebuilding of a certified day industrial school or the support of the inmates of such a school, or the management of such a school, or the establishment or building of a school intended to be a certified day industrial school, or the purchase of land required either for the use of an existing certified day industrial school, or for the site of a school intended to be a certified day industrial school.

Provided—

First, that not less than two months' previous notice of the intention of the prison authority, at a time and place to be mentioned in such notice, to take into consideration the entering into such undertaking or the making of such contribution, be given by advertisement in some one or more public newspaper or newspapers circulated within the jurisdiction of the prison authority, and also in the manner in which notices relating to business to be transacted by the prison authority are usually given :

Secondly, that where the prison authority is the council of a borough, the order for the undertaking or contribution be made at a special meeting of the council :

Thirdly, that where the undertaking or contribution is for alteration, enlargement, rebuilding, establishment, or building of a school or intended school, or for purchase of land, the approval of the Secretary of State be previously given for that alteration, enlargement, rebuilding, establishment, building, or purchase.



*Expenses of prison authority how defrayed (29 & 30 Vict., c. 118, s. 50).*

- (b.) Expenses incurred by a prison authority in carrying into effect the provisions of this order may be deemed expenses incurred by that authority in carrying into effect the provisions of the Prison Act, 1865, and may be defrayed accordingly.

*Power to borrow money for purposes of day industrial schools (37 & 38 Vict., c. 47, s. 2).*

- (c.) Any prison authority may, with the approval of one of Her Majesty's principal Secretaries of State, borrow money for the purpose of defraying the expense of any such undertaking or contribution on the part of such prison authority as is authorised by this order with respect to altering, enlarging, rebuilding, establishing, building, or purchasing the site of any day industrial school.

*Charge of borrowed moneys (37 & 38 Vict., c. 47, s. 3).*

Any moneys borrowed by a prison authority under this order may be charged by that authority on any county rate, or rate in the nature of a county rate, borough rate, or other rate applicable to the maintenance of a prison and leviable by that authority, or on any other property belonging to that authority and applicable to the same purpose as the said rates, and shall be repaid together with the interest due thereon, out of such rates or other property.

*Certain clauses of 10 & 11 Vict., c. 16, as to borrowing money incorporated (37 & 38 Vict., c. 47, s. 4).*

The clauses of "The Commissioners' Clauses Act, 1847," with the exception of the eighty-fourth clause with

respect to mortgages to be created by the commissioners, shall form part of and be incorporated with this order, and any mortgagee or assignee may enforce payment of his principal and interest by appointment of a receiver.

In the construction of the said clauses "the commissioners" shall mean "the prison authority."

Where a prison authority borrows any money under this order, they shall charge the rates or property out of which the moneys borrowed are payable, not only with the interest of the moneys so borrowed, but also with the payment of such further sum as will ensure the repayment of the whole sum borrowed within thirty years.

(85 & 86 Vict., c. 21, s. 8.)

Provided nevertheless—

That in any borough having a School Board, none of the powers declared by this order to be exercisable by a prison authority shall be exercisable by the council of the borough as such prison authority, except that if during not less than six months before the election of a School Board in such borough the council has contributed to or maintained a day industrial school the powers declared by this order to be exercisable by the prison authority shall not cease to be exercisable by the council with respect to such school until the School Board in the borough resolve in the manner and with the consent (if any) prescribed by this order to contribute towards or to maintain such day industrial school; and, notwithstanding any such resolution of the School Board, any such day industrial school which was so maintained by the council may continue to be maintained by the council until the council agree to transfer such school to the School Board.

*Powers of School Board.*

10. Whereas by the 16th section of the Elementary Education Act, 1876, it is enacted that a School Board shall have the same powers in relation to a certified day industrial school as they have in relation to a certified industrial school.

And whereas by the 15th section of the same Act it is enacted as follows :—

The consent of one of Her Majesty's principal Secretaries of State, and not of the Education Department, shall be required for the establishing, building, and maintaining of a certified industrial or certified day industrial school by a School Board, and to the spreading of the payment of the expense of such establishment and building over a number of years not exceeding fifty, and to the borrowing of money for that purpose; and for the purpose of such borrowing section ten of the Elementary Education Act, 1878, shall be held to apply to the loan in like manner as if one of Her Majesty's principal Secretaries of State were substituted therein for the Education Department, and such establishment and building shall be deemed to be a work for which a School Board is authorised to borrow within the meaning of the first schedule to the Public Works Loans Act, 1875.

It is hereby declared and ordered that the following powers shall be exercisable by a School Board :—

*Power to contribute towards establishment or maintenance of school* (89 & 40 Vict., c. 79, s. 16; 38 & 34 Vict., c. 75, s. 27; 29 & 30 Vict., c. 118, s. 12; 36 & 37 Vict., c. 86, s. 14).

- (a.) A School Board may from time to time contribute such sums of money and on such conditions as they think fit, towards the alteration, enlargement, or rebuilding of a certified day industrial school, or towards the support of the inmates of such a school, or towards the management of such a school, or

towards the establishing or building of a school intended to be a certified day industrial school, or towards the purchase of land required either for the use of an existing certified day industrial school, or for the site of a school intended to be a certified day industrial school.

Provided—

1stly. That not less than 14 days' previous notice of the intention of the School Board, at a time and place to be mentioned in such notice, to take into consideration the making of such contribution, be given by advertisement in some one or more public newspaper or newspapers circulated within the school district, and also in the manner in which notices relating to business to be transacted by the School Board are usually given.

2ndly. That where the contribution is for alteration, enlargement, rebuilding, establishment, or building of a school or intended school, or for purchase of land, the approval of the Secretary of State be previously given for that alteration, enlargement, rebuilding, establishment, building or purchase.

*Power to establish and maintain school* (39 & 40 Vict., c. 79, s. 16; 88 & 84 Vict., c. 75, s. 28; 89 & 40 Vict., c. 79, s. 15).

(b.) A School Board may also, with the consent of the Secretary of State, establish, build, and maintain a certified day industrial school, and shall for that purpose have the same powers as they have for the purpose of providing sufficient school accommodation for their district; and may further, with the like consent, spread the payment of such establishment and building over a number of years not exceeding fifty, and borrow money for that purpose; and for the purpose of such borrowing section 10 of the Elementary Education Act, 1878, shall be held to apply to the loan in like manner as if a

Secretary of State were substituted therein for the Education Department, and such establishment and building shall be deemed to be a work for which a School Board is authorised to borrow within the meaning of the first schedule of the Public Works Loans Act, 1875.

A certified day industrial school so established, built, or maintained by a School Board shall be subject to the jurisdiction of the Secretary of State and not of the Education Department, and shall be subject to the provisions of this order.

Provided always—

That none of the powers declared by this clause of this order to be exercisable by a School Board shall be exercisable in the case of a certified day industrial school which the council of the borough, as the prison authority, has maintained during not less than six months before the election of the original board, so long as the council themselves continue to maintain such school.

*Mode of obtaining approval of Secretary of State (29 & 30 Vict., c. 118, s. 18).*

11. In order to obtain the approval of the Secretary of State as aforesaid where required, the managers of the school, or promoters of the intended school, shall forward to the Secretary of State particulars of the proposed establishment, or purchase, and a plan of the proposed alteration, enlargement, rebuilding, or building drawn on such scale, and accompanied by such particulars and estimate of cost as the Secretary of State thinks fit to require; and the Secretary of State may approve of the particulars and plan submitted to him, with or without modification, or may disapprove of the same, and his approval or disapproval shall be certified by writing under his hand.

# CLASSES OF CHILDREN IN CERTIFIED DAY INDUSTRIAL SCHOOLS.

(89 & 40 Vict., c. 79, s. 16.)

12. Whereas it is enacted by the 16th section of the Elementary Education Act, 1876, that any child authorised by the Industrial Schools Act, 1866, to be sent to a certified industrial school, may, if the court before whom the child is brought think it expedient, be sent to a certified day industrial school, it is hereby ordered and declared as follows :—

*Children sent under order of detention. (a.) Children under 14 years of age found begging, &c. (29 & 30 Vict., c. 118, s. 14).*

(a.) Any person may bring before a court of summary jurisdiction any child apparently under the age of fourteen years that comes within either of the following descriptions, namely:—

That is found begging or receiving alms (whether actually or under the pretext of selling or offering for sale anything), or being in any street or public place for the purpose of so begging or receiving alms ;

That frequents the company of reputed thieves. The court before whom a child is brought as coming within one of those descriptions, if satisfied on inquiry of that fact, and that it is expedient to deal with him under this order, may by an order of detention order him to be sent to a certified day industrial school.

*(b.) Children under 12 years of age charged with offences (29 & 30 Vict., c. 118, s. 15).*

(b.) Where a child apparently under the age of twelve

years is charged before a court of summary jurisdiction with an offence punishable by imprisonment or a less punishment, but has not been convicted in England or Ireland of felony, or in Scotland of theft, and the child ought, in the opinion of the court (regard being had to his age and to the circumstances of the case) to be dealt with under this order, the court may, by an order of detention, order him to be sent to a certified day industrial school.

- (c.) *Refractory children under 14 years of age in charge of parent, &c.* (29 & 30 Vict., c. 118, s. 16).
- (c.) Where the parent of a child apparently under the age of fourteen years represents to a court of summary jurisdiction that he is unable to control the child, and that he desires that the child be sent to a certified day industrial school, the court, if satisfied on inquiry that it is expedient to deal with the child under this order, may by an order of detention order him to be sent to a certified day industrial school.

Such order of detention shall be made in manner hereinafter provided in that behalf.

*Children sent under attendance order.*

13. Whereas by the 11th section of the Elementary Education Act, 1876, it is enacted in the following terms :—

If either—

- (1.) The parent of any child above the age of five years who is under this Act prohibited from being taken into full time employment, habitually and without reasonable excuse neglects to provide efficient elementary instruction for his child ; or
- (2.) Any child is found habitually wandering or not under proper control, or in the company of rogues, vagabonds, disorderly persons, or reputed criminals ;

It shall be the duty of the local authority, after due warning to the parent of such child, to complain to a court of summary jurisdiction, and such court may, if satisfied of the truth of such complaint, order that the child do attend some certified efficient school willing to receive him and named in the order, being either such as the parent may select, or, if he do not select any, then such public elementary school as the court think expedient, and the child shall attend that school every time that the school is open, or in such other regular manner as is specified in the order.

An order under this section is in this Act referred to as an attendance order.

Any of the following reasons shall be a reasonable excuse:

- (1.) That there is not within two miles, measured according to the nearest road, from the residence of such child any public elementary school open which the child can attend; or
- (2.) That the absence of the child from school has been caused by sickness or any unavoidable cause.

And whereas by the 16th section of the same Act it is declared that a certified day industrial school shall be deemed to be a certified efficient school within the meaning of the Act:

It is hereby ordered and declared that in the event of the court determining to make an attendance order requiring a child to attend a certified day industrial school, such attendance order shall be made in manner hereinafter provided in that behalf.

*Children sent under order of detention for non-compliance with attendance order.*

14. Whereas it is enacted by the 12th section of the Elementary Education Act, 1876, in the following terms:—

Where an attendance order is not complied with, without any reasonable excuse within the meaning of this Act, a court of summary jurisdiction, on complaint made by the local authority, may, if it think fit, order as follows:

- (1.) In the first case of non-compliance, if the parent of



the child does not appear, or appears and fails to satisfy the court that he has used all reasonable efforts to enforce compliance with the order, the court may impose a penalty not exceeding with the costs five shillings; but if the parent satisfies the court that he has used all reasonable efforts as aforesaid, the court may, without inflicting a penalty, order the child to be sent to a certified day industrial school, or if it appears to the court that there is no such school suitable for the child, then to a certified industrial school; and

- (2.) In the second or any subsequent case of non-compliance with the order, the court may order the child to be sent to a certified day industrial school, or if it appears to the court that there is no such school suitable for the child, then to a certified industrial school, and may further in its discretion inflict any such penalty as aforesaid, or it may for each such non-compliance inflict any such penalty as aforesaid without ordering the child to be sent to an industrial school.

Provided that a complaint under this section with respect to a continuing non-compliance with any attendance order shall not be repeated by the local authority at any less interval than two weeks.

It is hereby ordered and declared that if on non-compliance with an attendance order a court of summary jurisdiction, in pursuance of the said 12th section of the said Act, order a child to be sent to a certified day industrial school, such order shall be an order of detention within the meaning of this order, and shall be made in manner hereinafter provided in that behalf.

*Children attending school without order of court.*

15. Whereas by the 16th section of the Elementary Education Act, 1876, it is enacted to the effect that the managers of a certified day industrial school may upon the request of a local authority and of the parent of a child, and upon the

undertaking of the parent to pay, towards the industrial training, elementary education, and meals of such child such sum, not less than one shilling a week, as the Secretary of State from time to time fixes, receive such child into the school without an order of court ;

It is hereby ordered that in such case as aforesaid the undertaking of the parent may be made as hereinafter provided in that behalf.

*Duty of local authority as to taking proceedings.*

16. Whereas by the 18th section of the Elementary Education Act, 1876, it is enacted as follows :—

Where the local authority are informed by any person of any child in their jurisdiction who is stated by that person to be liable to be ordered by a court under this Act, to attend school, or to be sent under this Act or the Industrial Schools Act, 1866, to an industrial school, it shall be the duty of the local authority to take proceedings under this Act or the Industrial Schools Act, 1866, accordingly, unless the local authority think that it is inexpedient to take such proceedings.

Provided that nothing in this section shall relieve the local authority from the responsibility of performing their duty under the other provisions of this Act.

It is hereby ordered and declared that in any proceedings taken by a local authority with a view to obtaining an order of detention ordering a child to be detained in a certified day industrial school, or an attendance order requiring a child to attend a certified day industrial school, the provisions of this order, so far as the same may be applicable, shall be strictly observed.

*Child attending certified day industrial school in pursuance of license from the managers of certified industrial school.*

17. Whereas by the 14th section of the Elementary Education Act, 1876, it is enacted as follows :—

Where a child is sent to a certified industrial school under this Act, or the Industrial Schools Act, 1866, upon the complaint or representation of the local authority under this Act, the managers of such school may, if they think fit, at any time after the expiration of one month after the child is so sent, give him a license under section 27 of the Industrial Schools Act, 1866, to live out of the school, but the license shall be conditional upon the child attending as a day scholar, in such regular manner as is specified in the license, some school willing to receive him and named in the license, and being a certified efficient school.

It is hereby ordered, that any child who in pursuance of such a license attends a certified day industrial school shall be subject to the provisions of this order, relating to a child attending a certified day industrial school without an order of court.

PROVISIONS AS TO ORDERS OF DETENTION, ATTENDANCE ORDERS,  
CONTRIBUTIONS OF PARENTS, ETC.

*Provisions as to order of detention.*

18. Whereas it is enacted by the 16th section of the Elementary Education Act, 1876, as follows:—

Where a court of summary jurisdiction orders otherwise than by an attendance order under this Act a child to be sent to a certified day industrial school, the court shall also order the parent of such child, if liable to maintain him, to contribute to his industrial training, elementary education, and meals in the school, such sum not exceeding two shillings per week, as is named in the order; it shall be the duty of the local authority to obtain and enforce the said order, and every sum paid under the order

shall be paid over to the local authority in aid of their expenses under this Act ; if a parent resident in any parish is unable to pay the sum required by the said order to be paid, he shall apply to the guardians having jurisdiction in the parish, who, if satisfied of such inability, shall give the parent sufficient relief to pay the said sum, or so much thereof as they consider him unable to pay, and the money so given shall be charged to the parish as provided by this Act in the case of money given for the payment of school fees.

*Hours during which child may be detained at school under order of detention.*

And whereas by the same section of the Elementary Education Act, 1876, it is enacted that any child sent to a certified day industrial school by an order of a court (other than an attendance order under that Act) may during the period specified in the order be there detained during such hours as may be authorised by the rules of the school approved by the said Secretary of State, in this order referred to under the expression "school hours :"

*Form and contents of order sending child to school*  
(29 & 30 Vict., c. 118., s. 18).

It is hereby ordered that with respect to an order of detention in a certified day industrial school the following provision shall apply :—

- (a.) The order of detention shall be in writing signed by the magistrate or one of the justices constituting the court of summary jurisdiction, and shall specify the name of the school.
- (b.) The school shall be some certified day industrial school within two miles of the residence of the child (whether situate within the jurisdiction of the court making the order or not), the managers of which are willing to receive the child ; and in determin-

ing on such school the court shall endeavour to ascertain the religious persuasion to which the child belongs, and shall if possible select a school conducted in accordance with such religious persuasion, and the order shall specify such religious persuasion :

- (c.) The order shall specify the period for which the child is during school hours to be detained in the school, being such period as to the court seems proper for the teaching and training of the child, but not in any case for more than three years or extending beyond the time when the child will attain the age of fourteen years :

*Order to be warrant for detention* (29 & 30 Vict, c. 118, s. 22).

- (d.) The order of detention in a school shall be forwarded to the managers of the school, and shall be a sufficient warrant for the detention of the child there during school hours; and the reception of the child by the managers of the school shall be deemed to be an undertaking by them to provide him with industrial training, elementary education, and one or more meals a day, but not lodging, during the whole period for which he is liable to be detained in the school, or until the withdrawal or resignation of the certificate of the school takes effect, or until the contribution to the school out of money provided by Parliament is discontinued, whichever shall first happen :

(29 & 30 Vict., c. 118, s. 20.)

- (e.) If the parent, step-parent, or guardian, or if there be no parent, step-parent, or guardian, then the god-parent or nearest adult relative of a child sent or about to be sent under an order of detention to a certified day industrial school which is not con-

ducted in accordance with the religious persuasion to which the child belongs, states to the court of summary jurisdiction by whom the order of detention has been or is about to be made, that he objects to the child being sent to or detained in the school specified or about to be specified in the order, and names another certified day industrial school within two miles of the residence of the child which is conducted in accordance with the religious persuasion to which the child belongs, and signifies his desire that the child be sent thereto, then and in every such case the court shall, upon proof of such child's religious persuasion, comply with the request of the applicant, provided—

First, That the application be made before the child has been sent to a certified day industrial school or within 80 days after his arrival at such school.

Secondly, That the applicant show to the satisfaction of the court of summary jurisdiction that the managers of the school named by him are willing to receive the child.

*Provisions as to attendance order.*

19. Whereas it is enacted by the 16th section of the Elementary Education Act, 1876, that the managers of a certified day industrial school may, on the request of a local authority and of the parent of a child, and on the undertaking of the parent to pay towards the industrial training, elementary education, and meals of such child not less than one shilling a week, as a Secretary of State from time to time fixes, receive such child into the school under an attendance order:

And whereas by the 11th section of the same Act it is enacted in effect that any child under an attendance order requiring him to attend a certified day industrial school shall attend that school every time that the school is open, or in any other regular manner as is specified in the order :

It is hereby ordered that with respect to an attendance

order requiring attendance in a certified day industrial school, the following provisions shall apply :—

- (a.) The attendance order shall be in writing signed by the magistrate or one of the justices constituting the court of summary jurisdiction, and shall specify the name of the school, and the religious persuasion to which the child appears to the court to belong :
- (b.) The school shall be some certified day industrial school, the managers of which are willing to receive the child, and shall be selected by the parent, and shall be situated within two miles of the residence of the child :
- (c.) The attendance order shall specify the period for which the child is to attend the school, being such period as to the court seems proper, but not in any case for more than one year or extending beyond the time when the child will attain the age of fourteen years :
- (d.) Unless the order otherwise specifies, the child shall, so long as the attendance order is in force, attend the school every time that the school is open :
- (e.) The attendance order shall be forwarded to the managers of the school, and the reception of the child by the managers of the school shall be deemed to be an undertaking by them to provide him with industrial training, elementary education, and one or more meals a day, but not lodging, during the whole period during which such attendance order is in force, or until the withdrawal or resignation of the certificate of the school takes effect, or until the contribution to the school of money provided by Parliament is discontinued, whichever shall first happen : provided that such undertaking of the managers shall be suspended during any week with respect to which the contribution of the parent has not been paid in advance.

*Provisions as to child attending without order of court.*

20. Whereas it is enacted by the 16th section of the Elementary Education Act, 1876, that the managers of a certified day industrial school may, on the request of a local authority and of the parent of a child, and on the undertaking of the parent to pay towards the industrial training, elementary education, and meals of such child such sum, not less than one shilling a week, as a Secretary of State from time to time fixes, receive such child into the school without an order of the court; it is hereby ordered that the reception of the child by the managers of a school shall be taken to be an undertaking by them to provide him with industrial training, elementary education, and one or more meals a day, but not lodging, for the term agreed upon with the managers, or until the withdrawal or resignation of the certificate of the school takes effect, or until the contribution to the school of money provided by Parliament is discontinued, whichever shall first happen; provided that such undertaking of the managers shall be suspended during any week with respect to which the contribution of the parent has not been paid in advance.

The undertaking of the parent shall specify the religious persuasion to which the child belongs, and may be made in the form set forth in the schedule hereto.

PARLIAMENTARY GRANT TO AND MANAGEMENT OF SCHOOL.

*Inspectors to see that conditions as to Parliamentary grant are observed.*

21. Whereas it is enacted by the 16th and 17th sections of the Elementary Education Act, 1876, as follows:—

There may be contributed out of moneys provided by Parliament towards the custody, industrial training, elementary education, and meals of children



sent by an order of a court other than an attendance order under this Act to a certified day industrial school such sums not exceeding one shilling per head per week, and on such conditions as a Secretary of State from time to time recommends.

\* \* \* \* \*

The managers of a certified day industrial school may, upon the request of a local authority and of the parent of a child, and upon the undertaking of the parent to pay towards the industrial training, elementary education, and meals of such child such sum, not less than one shilling a week, as a Secretary of State from time to time fixes, receive such child into the school under an attendance order or without an order of a court; and there may be contributed out of moneys provided by Parliament in respect of that child such sum not exceeding sixpence a week and on such conditions as a Secretary of State from time to time recommends.

\* \* \* \* \*

The conditions of a Parliamentary contribution to a certified day industrial school, to be recommended by the Secretary of State, shall provide for the examination of the children according to the standards of proficiency for the time being in force for the purposes of a Parliamentary grant to public elementary schools; but may vary the amounts of the contributions to be made in respect of such standards respectively.

Any conditions recommended by a Secretary of State for the purposes of contributions to a day industrial school shall be laid before Parliament in the same manner as minutes of the Education Department relating to the annual Parliamentary grant.

It is hereby ordered that it shall be the duty of the inspector of day industrial schools, acting under the directions of the Secretary of State, to ascertain that such conditions have been duly observed.

*Inspector to see that certain provisions of the Elementary Education Act, 1876, and regulations of Education Department as to certificates and registers are observed.*

22. Whereas by the 5th section of the Elementary Education Act, 1876, it is enacted that a person shall not take into his employment (except as hereinafter in the said Act mentioned) any child who, being of the age of 10 years or upwards, has not obtained such certificate either of his proficiency in reading, writing, and elementary arithmetic, or of previous due attendance at a certified efficient school (which includes a certified day industrial school) as is in that Act in that behalf provided, unless in the circumstances specified in the said section :

And whereas by the 24th section of the same Act it is enacted as follows :—

The certificates of proficiency of a child in reading, writing, and elementary arithmetic, and of the previous due attendance of a child at a certified efficient school for the purposes of this Act, shall be certificates of proficiency and previous due attendance ascertained according to the standards set forth in the first schedule to this Act, and such certificate shall be granted to the child entitled to the same free of cost or charge to such child, or to the parent of such child.

The Education Department may from time to time by order make, and when made revoke and vary, regulations with respect to certificates of age for the purposes of this Act and the persons by whom and the form in which certificates of the said proficiency and due attendance are to be granted, and with respect to other matters relating thereto, and with respect to the preservation of registers and other records of such proficiency and attendance, and such regulations shall be observed by the local authority and the managers of certified efficient schools.

All regulations made by the Education Department under this section shall be laid before Parliament in the

same manner as minutes of the Education Department relating to the annual Parliamentary grant.

And whereas the First Schedule to the said Act provides that for the purpose of employment the standards shall be the following:—

- (1.) The standard of proficiency in reading, writing, and elementary arithmetic for the purpose of a certificate under this Act enabling a child to be employed shall be the standard of reading, writing, and elementary arithmetic fixed by Standard Four of the Code of 1876, or any higher standard.
- (2.) The standard of previous due attendance at a certified efficient school for the purpose of a certificate under this Act enabling a child to be employed shall be two hundred and fifty attendances after five years of age in not more than two schools during each year for five years, whether consecutive or not.
- (3.) During the four years next after the commencement of this Act, the standards for the purpose of enabling a child to be employed shall, instead of the foregoing standards, be those shown in the following table:—

During the Year.	The Standard of Proficiency shall be the Standard of Reading, Writing, and Arithmetic fixed by the following Standard of the Code of 1876, or any higher Standard, namely.	The Standard of previous due Attendance shall be	
		The following Number of Attendances.	In not more than Two Schools during each Year for the following Number of Years, whether consecutive or not.
1877	Second ... ..	250	Two
1878	Second ... ..	250	Two
1879	Third ... ..	250	Three
1880	Third ... ..	250	Four

Provided that—

- (a.) In the case of a school district in which for not less than three years before the commencement of this Act byelaws have been in force requiring, as a condition of total or partial exemption of a child from attendance at school, that such child must have passed a standard of proficiency corresponding to the Fourth Standard of the Code of 1876 or any higher standard, the same or a corresponding standard of proficiency (but not exceeding the standard which, under this schedule, will be required after four years from the commencement of this Act) shall be required for the purpose of a certificate under this Act enabling a child to be employed.
- (b.) Where a child has been lawfully taken into employment in any year in consequence of having obtained a certificate in accordance with the above table, such child may in any subsequent year be taken into employment without any further certificate, notwithstanding that under the table a certificate requiring a higher standard is required for that year.

And whereas by the same schedule it is further provided that attendance for the purpose of the said schedule, where the attendance is at a certified day industrial school, includes such attendance as may be from time to time directed for the purpose by a Secretary of State; and that the Code of 1876 in the said schedule means, in England, the Code of the minutes of the Education Department made in the year 1876 with respect to the Parliamentary grant to public elementary schools in England:

It is hereby ordered that it shall be the duty of the inspector of day industrial schools to see that the provisions of the said Act and the regulations of the Education Department as to certificates and registers, and other matters relating thereto, be strictly observed in certified day industrial schools.

(28 & 29 Vict., c. 118, s. 25.)

23. A minister of the religious persuasion which, as the case may be, is specified in the order of detention or attendance order as that to which the child appears to the court making the order to belong, or specified in the undertaking of the parent of a child attending the school without an order of court as that to which the child belongs, may visit the child at the school on such days and at such times as are from time to time fixed by regulations made by the Secretary of State for the purpose of instructing him in religion.

(33 & 34 Vict., c. 75, s. 7 [1].)

It shall not be required as a condition of any child being admitted into or continuing in a certified day industrial school, whether under an order of detention, attendance order, or otherwise, that he shall attend or abstain from attending any Sunday-school or any place of worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere to which observance or instruction his parent objects, or that he shall, if withdrawn by his parent, attend the school on any day exclusively set apart for religious observance by the religious body to which his parent belongs, and the parent may, on any such day, withdraw the child accordingly.

*Rules of school to be approved by Secretary of State (29 & 30 Vict., c. 118, s. 29).*

24. The managers of a certified day industrial school may from time to time make rules for the management and discipline of the school, not being inconsistent with the provisions of this order; but those rules shall not be enforced until they have been approved in writing by the Secretary of State; and rules so approved shall not be altered without the like approval.

A printed copy of rules purporting to be the rules of a school so approved and to be signed by the inspector of day

industrial schools shall be evidence of the rules of the school.

*Evidence as to reception in school, &c.* (29 & 30 Vict., c. 118, s. 80).

25. A certificate purporting to be signed by one of the managers of a certified day industrial school or their secretary, or by the superintendent or other person in charge of the school, to the effect that the child therein named was duly received into and is at the signing thereof liable to detention in the school under an order of detention, or required to attend thereat under an attendance order, or has been duly discharged or removed therefrom, or otherwise disposed of according to law, shall be evidence of the matters therein stated.

*School presumed to be certified* (29 & 30 Vict., c. 118, s. 18).

26. The industrial school named in an order of detention or an attendance order shall be presumed to be a certified day industrial school until the contrary is shown.

*Evidence of order of detention or attendance order* (29 & 30 Vict., c. 118, s. 24).

27. An instrument purporting to be an order of detention, or an attendance order, and to be signed by two justices or a magistrate, or purporting to be a copy of such an order and to be certified as such a copy by the clerk to the court by whom the order was made, shall be evidence of the order.

## OFFENCES AT SCHOOL, ETC.

*Penalty for child under detention order not attending school or not conforming to rules (29 & 80 Vict., c. 118, s. 82).*

28. Where an order of detention has been made ordering a child to be sent to a certified day industrial school, then if whilst such order is in force the child wilfully neglects to attend thereat, or wilfully neglects or wilfully refuses to conform to the rules of the school, he shall be guilty of an offence against this order, and may at any time before the expiration of his period of detention be apprehended without warrant, and brought before a court of summary jurisdiction, and on summary conviction of such offence shall be liable to be sent to a certified industrial school as if he were a child coming within the provisions of the 14th section of the Industrial Schools Act, 1866, or in the discretion of the court to be so sent in default of the child finding a surety or sureties for his due attendance at school and conformity with the rules thereof for a period of six months. Provided that the court, if it think fit, may, without proceeding to conviction, dismiss the child with a warning.

*Penalty for preventing child from attending school in accordance with order of detention (29 & 80 Vict., c. 118, s. 88).*

29. Where an order of detention has been made ordering a child to be sent to a certified day industrial school, then if, whilst such order is in force, any person knowingly induces the child not to attend such school, or knowingly prevents or knowingly assists in preventing him from attending such school, or knowingly conceals the child in order that he may not be sent to such school, he shall be guilty of an offence against this order, and on conviction thereof before a court of summary jurisdiction, shall be liable to a penalty not exceeding £5.

**DISCHARGE, ETC., OF CHILDREN FROM SCHOOL.***Discharge by Secretary of State or court of summary jurisdiction.*

80. An order of discharge of a child from an order of detention or an attendance order may be made :

- (a.) By the Secretary of State ; or
- (b.) By the same court of summary jurisdiction as that which made the original order upon the application or with the consent, in the case of a child under an order of detention, of the local authority or prison authority at whose instance such order of detention was made, and, in the case of a child under an attendance order, of the local authority.

*Transfer by court of summary jurisdiction.*

81. A child under an order of detention or attendance order may by an order of transfer, made by a court of summary jurisdiction, be transferred to another certified day industrial school, the managers whereof are willing to receive him, subject to the following provisions :—

- (1.) The court making the order of transfer shall be the same court as that which made the original order of detention or attendance order.
- (2.) The order of transfer shall not be made, in the case of a child under an order of detention, except on the application of the local authority or prison authority, or the parent of the child, and, in the case of a child under an attendance order, except on the request of the local authority and the parent.
- (8.) The residence of the child shall be either the same as at the date of the original order, or in a place under the jurisdiction of the same guardians.
- (4.) The school, in the case of a child under an order of



detention, shall, if possible, be a school conducted in accordance with the religious persuasion specified in such order as that to which the child appears to belong; and, in the case of a child under an attendance order, shall be selected by the parent; and in either case shall be within two miles of the residence of the child.

- (5.) The order of transfer shall specify the religious persuasion to which such child belongs.
- (6.) The order of transfer shall be forwarded to the managers of the school named therein.

Upon the making of an order of transfer the original order, and the undertaking (if any) made by the parent to contribute, shall continue to apply as if for the school named in the original order and undertaking there were substituted the school named in the order of transfer.

The power conferred by this clause of transferring a child under an order of detention shall be in addition to the provision for transfer contained in the 18th clause of this order.

#### WITHDRAWAL, ETC., OF CERTIFICATE OF SCHOOL.

*Power for Secretary of State to withdraw certificate (29 & 30 Vict., c. 118, s. 44.)*

82. Whereas it is enacted by the 16th section of the Elementary Education Act, 1876, as follows:—

If a Secretary of State is of opinion that, by reason of a change of circumstances or otherwise, a certified day industrial school ceases to be necessary or expedient for the proper training and control of the children of any class of population in the neighbourhood of that school, he may, after due notice, withdraw the certificate of the school, and

thereupon such school shall cease to be a certified day industrial school.

Provided that the reasons for withdrawing such certificate shall be laid before both Houses of Parliament within one month after notice of the withdrawal is given, if Parliament be then sitting, or if not, within one month after the then next meeting of Parliament.

It is hereby ordered that such notice shall be under the hand of the Secretary of State, and shall be addressed to and served on the managers of such school, and shall declare that the certificate of the school is withdrawn as from a time specified in the notice, not being less than six months after the date thereof; and at that time the certificate shall be deemed to be withdrawn accordingly, and the school shall thereupon cease to be a certified day industrial school.

*Resignation of certificate by managers* (29 & 30 Vict., c. 118, s. 45).

33. The managers or the executors or administrators of a deceased manager (if only one) of a certified day industrial school may give notice in writing to the Secretary of State of their intention to resign the certificate of that school, and at the expiration in the case of managers of six months, and in the case of executors or administrators of one month, from the receipt of that notice by the Secretary of State (unless before that time the notice is withdrawn) the certificate shall be deemed to be resigned accordingly, and the school shall thereupon cease to be a certified day industrial school.

*Gazetting and evidence of withdrawal, &c.* (29 & 30 Vict., c. 118, s. 46).

34. A notice of the withdrawal or resignation of the certificate of a certified day industrial school shall within one month be inserted by order of the Secretary of State in the *London Gazette*.

A copy of the *Gazette* containing such notice shall be conclusive evidence of such withdrawal or resignation.

A certificate shall be presumed to be in force until the withdrawal or resignation thereof is proved.

*Cesser of reception of children on notice, &c.* (29 & 30 Vict., c. 118, s. 47).

85. Where notice is given of the withdrawal or resignation of the certificate of a certified day industrial school, no child shall be received into the school under this order after the receipt by the managers of the school of the notice of withdrawal, or after the date of the notice of resignation, as the case may be, but the obligation of the managers to provide industrial training, elementary education, and one or more meals a day, but not lodging, for the children who may at the time of such receipt or at the date of such notice be attending such school, whether under an order of detention, or under an attendance order, or without an order, shall, except as far as the Secretary of State otherwise directs, be deemed to continue until the withdrawal or resignation of the certificate takes effect, or until the contribution out of money provided by Parliament towards the school is discontinued, whichever shall first happen; provided that in the case of a child attending school under an attendance order, or without an order, such obligation shall be suspended during any week in respect of which the contribution of the parent has not been paid in advance.

*Discharge or transfer of children detained, &c.* (29 & 30 Vict., c. 118, s. 48).

86. Where a school ceases to be a certified day industrial school the children who are under an order of detention or order of attendance at the school shall be discharged by order of the Secretary of State, or transferred in manner aforesaid to some other certified day industrial school by orders of transfer made by a court of summary jurisdiction.

## MISCELLANEOUS.

*Use of forms in schedule (29 & 30 Vict., c. 118, s. 52).*

87. No summons, notice, or order made for the purpose of carrying into effect the provisions of this order shall be invalidated for want of form only; and the forms in the schedule to this order annexed, or forms to the like effect, may be used in the cases to which they refer, with such variations as circumstances require, and when used shall be deemed sufficient.

Provided that any such form shall cease to be available in the event of the Secretary of State making obligatory the use of another form for the same purpose under the 16th section of the Elementary Education Act, 1876, by which the Secretary of State has power from time to time to make, and, when made, to revoke and vary, the forms of orders for sending a child to a day industrial school, and the manner in which children are to be sent to such school.

*Service of notices on managers (29 & 30 Vict., c. 118, s. 53).*

88. Any notice may be served on the managers of a certified day industrial school by being delivered to any one of them personally, or by being sent by post or otherwise in a letter addressed to them or any of them at the school, or at the usual or last known place of abode of any of the managers, or of their secretary.

*Legal proceedings (36 & 37 Vict., c. 86, s. 23).*

89. The Summary Jurisdiction Acts shall apply to all offences, payments, and orders in respect of which jurisdiction is by this order given to a court of summary jurisdic-

tion, or which are by this order directed to be prosecuted, enforced, or made in a summary manner or on summary conviction.

The court of summary jurisdiction, when hearing and determining an information or complaint or making an order under this order, shall be constituted either of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty sessions or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorized to be done by more than one justice of the peace.

*Definitions* (89 & 40 Vict., c. 79, s. 48).

40. In this order—

The term “child” means a child between the ages of five years and fourteen years :

(88 & 84 Vict., c. 75, s. 8.)

The term “parent” includes guardian, and every person who is liable to maintain or has the actual custody of a child :

(88 & 84 Vict., c. 75, s. 8.)

The term “borough” means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled “An Act to provide for the regulation of municipal corporations in England and Wales,” and the Acts amending the same :

(86 & 87 Vict., c. 86, s. 27.)

The term “The Summary Jurisdiction Acts” means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled “An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with

respect to summary convictions and orders," in  
clusive of any Acts amending the same :

(36 & 37 Vict., c. 86, s. 27.)

The term " court of summary jurisdiction " means any  
justice or justices of the peace, metropolitan police  
magistrate, stipendiary or other magistrate or  
officer by whatever name called, to whom juris-  
diction is given by the Summary Jurisdiction Acts:

(28 & 29 Vict., c. 126.)

The terms " local authority," " parish," and " schoo-  
district " have the same meaning as in the Ele-  
mentary Education Act, 1876 :

*Special provision as to the county and city of Worcester* (37  
& 38 Vict., c. 47, s. 5).

The term " prison authority " has the same meaning  
as in the Prisons Act, 1865 ; provided that for the  
purposes of this order the justices of the county  
of Worcester in quarter sessions assembled shall  
be deemed to be the prison authority for the  
county of Worcester at large, and the council of  
the city of Worcester shall be deemed to be the  
prison authority for the city of Worcester and  
county of the same city, anything in the Worcester  
Prison Act, 1867, or any other Act, notwith-  
standing.

*Saving clause.*

41. Nothing in this order shall be construed to be con-  
trary to any of the provisions of the Elementary Education  
Act, 1876.

SCHEDULE.

*Order of detention.*

To wit. { Be it remembered, that on the  
 { day of , in pursuance of the Elementary Education Act, 1876, and of the Order in Council made thereunder, we, two of Her Majesty's justices of the peace for the said [county, or borough, &c.] of

(a) [having had brought before us *A.B.*

of , a child apparently under 14 years of age, and being satisfied that he was found begging or receiving alms (whether actually or under the pretext of selling or offering for sale anything), or being in a street or public place for the purpose of so begging or receiving alms].

(b) [having had brought before us *A.B.*

of , a child apparently under 14 years of age, and being satisfied that he frequents the company of reputed thieves].

(c) [having had brought before us *A.B.*

of , a child apparently under 12 years of age, charged with the offence of and being satisfied that he has not been previously convicted in England or Ireland of felony, or in Scotland of theft].

(d) [having had brought before us *A.B.*

of , a child apparently under 14 years of age, and having had a representation made to us by his parent *C.D.* that he is unable to control the said *A.B.* and is desirous that the said *A.B.* be sent to a certified day industrial school].

(e) [having had brought before us *A.B.*

of , a child apparently under 14 years of age, upon the charge of having, without reasonable excuse, failed to comply with an order of the day of requiring him to attend school, and being satisfied that such charge was proved, and that *C.D.* the parent of the

said *A.B.* had used all reasonable efforts to enforce compliance with such order].

(*f*) [having had brought before us *A.B.* of , a child apparently under 14 years of age, upon the charge of having, without reasonable excuse, failed to comply with an order of the day of requiring him to attend school, and being satisfied that such charge was proved, and that such non-compliance was subsequent to a complaint for the like non-compliance of the said *A.B.* made by the local authority to a court of summary jurisdiction].

Do order that the said *A. B.* (whose religious persuasion appears to us to be

) be sent to the certified day industrial school at and be there detained for the term of , during such hours as may be authorised by the rules of the school approved by one of Her Majesty's principal Secretaries of State.

And we also do order *C.D.* the parent of the said *A.B.* , and liable to maintain him, to contribute to his industrial training, elementary education, and meals in the school the sum of per week.

(Signed)

*Attendance order.*

{ Be it remembered, that on the To wit. { day of , in pursuance of the 11th section of the Elementary Education Act, 1876, and of the Order in Council made thereunder, we, two of Her Majesty's justices of the peace for the said (county or borough) of ,

Do order that *A.B.* of , a child apparently under 14 years of age (whose religious persuasion appears to us to be ), do attend the certified day industrial school at for the term of during



such hours as may be authorised by the rules of the school, approved by one of Her Majesty's principal Secretaries of State.

(Signed)

*Undertaking of parent in the case of an attendance order.*

Whereas a complaint has been made under the 11th section of the Elementary Education Act, 1876, against *A.B.*

of a child under the age of 14 years, with a view to an order being made requiring him to attend a certified efficient school, and whereas I, *C.D.* am the parent of the said *A.B.*

and have selected the certified day industrial school at as the school to which the said *A.B.* should be sent under such attendance order, I hereby undertake that upon such attendance order being made I will pay to the managers of the said school towards the industrial training, elementary education, and meals of the said *A.B.* in the said school the sum of per week so long as such attendance order is in force.

Dated

day of

18 .

(Signed).

*Undertaking of parent in the case of a child about to attend a school without any order of court.*

I, *C.D.* of , being the parent of *A.B.* , a child under 14 years of age, and of the religious persuasion of , hereby undertake to pay to the managers of the certified day industrial school at towards the industrial training, elementary education, and meals of the said *A.B.* in the said school the sum of per week for the term of , and for such further term as may be agreed

Dated

day of

18 .

(Signed)

**Order of transfer.**

To wit. { Be it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_, in pursuance of the Elementary Education Act, 1876, and of the Order in Council made thereunder, we, two of her Majesty's justices of the peace for the said [county or borough] of \_\_\_\_\_, do order that A.B. \_\_\_\_\_ of \_\_\_\_\_ (whose religious persuasion appears to be \_\_\_\_\_) be transferred from the certified day industrial school at \_\_\_\_\_ to which he was sent under an order of detention [or attendance order] of the \_\_\_\_\_ day \_\_\_\_\_ to the certified day industrial school at \_\_\_\_\_

(Signed)

C. L. Peel

PARLIAMENTARY GRANT TO CERTIFIED DAY  
INDUSTRIAL SCHOOLS.

RECOMMENDATIONS OF SECRETARY OF STATE.

WHEREAS it is enacted by the 16th and 17th sections of the Elementary Education Act, 1876, as follows :—

There may be contributed out of moneys provided by Parliament towards the custody, industrial training, elementary education, and meals of children sent by an order of court other than an attendance order under this Act to a certified day industrial school, such sums not exceeding 1s. per head per week, and on such conditions as a Secretary of State from time to time recommends.

\* \* \* \* \*

The managers of a certified day industrial school may, upon the request of a local authority, and of the parent of a child, and upon the undertaking of the parent to pay towards the industrial training, elementary education, and meals of such child, such sum, not less than 1s. a week, as a Secretary of State from time to time fixes, receive such child into the school under an attendance order, or without an order of a court; and there may be contributed, out of moneys provided by Parliament in respect of that child, such sum not exceeding 6d. a week, and on such conditions as a Secretary of State from time to time recommends.

\* \* \* \* \*

The conditions of a Parliamentary contribution to a certified day industrial school, to be recom-

mended by the Secretary of State, shall provide for the examination of the children according to the standards of proficiency for the time being in force for the purposes of a Parliamentary grant to public elementary schools; but may vary the amounts of the contributions to be made in respect of such standards respectively.

Any conditions recommended by a Secretary of State, for the purposes of contributions to a day industrial school, shall be laid before Parliament in the same manner as minutes of the Education Department relating to the annual Parliamentary grant.

Now, in pursuance of the said Act, I, the Right Honourable Richard Assheton Cross, one of Her Majesty's principal Secretaries of State, hereby recommend that the sums to be contributed out of moneys provided by Parliament (hereinafter called the grant) to the managers of any certified day industrial school, in respect of children attending the same under orders of detention, attendance orders, or without any order of court, shall be such sums, and shall be paid on such conditions as are hereinafter respectively set forth.

I. No grant shall be made except on a report of the inspector showing that the conditions of the grant have been fulfilled. The inspector may delegate to an assistant the duty of examining the attendance and proficiency of the children.

II. The principal teacher of the school shall be approved by the inspector of certified day and industrial schools.

III. The grant shall be payable in part quarterly for attendance, in part annually for proficiency, and for the discipline and organisation of the school.

IV. For the purpose of so much of the grant as is payable annually, the year is reckoned as ending with the last day (inclusive) of the month preceding that fixed for the inspector's annual visit; and for the purpose of so much of the grant as is payable quarterly, the quarter is reckoned as ending on 31st March, 30th June, 30th September, and 31st December, as the case may be.

V. With respect to so much of the grant as is payable for

**CERTIFIED DAY INDUSTRIAL SCHOOLS—GRANTS. 211**

attendance, the managers may, at the end of each quarter, claim :—

- s. d.*
- (a.) For each child attending under an order of detention according to the average number of such children in attendance throughout the quarter - - - - - 10 0
- (b.) For each child attending otherwise than under an order of detention, according to the average number of such children in attendance throughout the quarter - - - 5 0

VI. With respect to so much of the grant as is payable for proficiency, the managers at the end of the year may claim as follows :—

- (a.) As to infants, *i.e.*, children who at the end of the year have not completed seven years of age :—

Sum which may be claimed for each infant present on the day of inspection who has made not less than 250 attendances in the year.		
	If the infant is attending under an order of detention.	If the infant is attending otherwise than under an order of detention.
If the infants are taught suitably to their age, and so as not to interfere with the instruction of the older children - - -	6s.	3s.

- (b.) As to children (not being infants) attending under orders of detention :—

Subject of examination.	Sum which may be claimed for each such child presented for examination.		
	If 75 or more per cent. of such children pass in the subject.	If less than 75 but not less than 50 per cent. of such children pass in the subject.	If less than 50 per cent. of such children pass in the subject.
Reading - - -	2s.	1s.	—
Writing - - -	2s.	1s.	—
Arithmetic - - -	2s.	1s.	—

(c.) As to children (not being infants) attending otherwise than under an order of detention :—

Subject of examination.	Sum which may be claimed for each such child presented for examination.		
	If 75 or more per cent. of such children pass in the subject.	If less than 75 but not less than 50 per cent. of such children pass in the subject.	If less than 50 per cent. of such children pass in the subject.
Reading - - -	1s.	6d.	—
Writing - - -	1s.	6d.	—
Arithmetic - - -	1s.	6d.	—

Subject, in the case of children other than infants, to the following qualifications:—

- (1.) A child shall not be presented for examination unless he has made not less than 250 attendances during the year.
- (2.) A child who has made the prescribed number of attendances shall not (without reasonable excuse for absence on the day of the inspector's visit) be withheld from examination.
- (3.) Children shall be examined according to the standards of proficiency in reading, writing, and elementary arithmetic, for the time being in force, for the purposes of the Parliamentary grant to public elementary schools.
- (4.) A child may be presented for examination in any standard which the managers think fit, provided that the child shall not be presented for examination—
  - (a.) Under any standard which he has already passed at the same or any other certified efficient school, or any lower standard.
  - (b.) Under the same standard under which he has been already presented at the same school, unless he failed to pass in more than one subject in that standard.

VII. With respect to so much of the grant as is payable for the discipline and organisation of the school, if the inspector reports that the discipline and organisation are satisfactory, the managers may, at the end of the year, claim:

- |  |              |
|--|--------------|
|  | <i>s. d.</i> |
| (a.) For each child attending under an order of detention according to the average number of such children in attendance throughout the year - - - - -                 | 6 0          |
| (b.) For each child attending otherwise than under an order of detention, according to the average number of such children in attendance throughout the year - - - - - | 8 0          |

VIII. If some unforeseen cause (such as a continued epidemic) makes it impossible for the inspector to visit the school for the purpose of making his annual report thereon, such sum, not exceeding the sum payable according to the rates hereinbefore recommended, shall be payable to the managers for the proficiency of the children, and for the discipline and organisation of the school, as under the circumstances the Secretary of State may deem just.

*Calculation of Attendance.*

IX. The average number of children attending for any period under orders of detention (or, as the case may be, of children attending otherwise than under orders of detention) is found by adding together the attendances of all such children for that period, and dividing the sum by the number of times the schools met during the same period, the quotient being the average number in attendance.

X. The attendance of a child at school on any day shall not count unless he has been present at the morning roll call, and unless such attendance includes three hours of secular instruction.

RICHARD ASSHETON CROSS.

10th April, 1877.

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## ADDENDA.

*Expenses incurred by School Attendance Committees appointed by Guardians.*

Since the earlier pages were in type the Local Government Board, with reference to the provision in Sec. 31 of the Act, have written as follows:—"The Board entertain no doubt that when the provision in question was framed it was intended to confine the action of this Board to the approval by them of the appointment by the School Attendance Committee of any persons as their officers who were at the time holding office under the guardians. Taking, however, the words as they stand, the Board think that as regards expenses incurred in carrying out their orders, their consent may be considered as necessarily implied, and in like manner their consent may be regarded as implied in reference to expenses incurred in the discharge of duties expressly imposed by the statute. At the same time, however, it must be borne in mind that the reasonableness of any such expenses so incurred will be a question for determination by the Auditor, subject to appeal to the Board. As regards any extraordinary expenses, the Board, as at present advised, are disposed to think that they cannot be legally incurred without the express sanction of the Board previously obtained."

*Appointment of Inquiry Officer for limited period.*

The Local Government Board have issued an order dated the 4th of June, 1877, which, after referring to article 4 of the order of the Board of the 22nd March, 1877, with reference to proceedings of guardians and their officers as to school fees of non-pauper children, states that it is

expedient to make provision for the appointment of Inquiry Officers for limited periods only, and provides as follows :—  
“The guardians of the poor of each of the unions named in the schedule to the said order may, if they think fit, with the assent of the Local Government Board, appoint a person or persons, or one or more of their officers, to discharge the duties of an Inquiry Officer prescribed by that order, for a limited period only, anything in the said order contained to the contrary notwithstanding.”

*Appointment of School Attendance Officer for limited period.*

The Local Government Board have issued an order dated the 4th of June, 1877, which, after reciting that it is expedient to make provision for the appointment of School Attendance Officers for limited periods only, provides as follows :—The School Attendance Committee may, if they think fit, with the assent of the guardians and of the Local Government Board, direct one or more of their officers, or appoint a person or persons, to discharge the duties of a School Attendance Officer prescribed by the said order, for a limited period only, anything in the said order contained to the contrary notwithstanding.

*June, 1877,*

## INDEX.

- ACT**, short title of, 19; extent of, 19; commencement of, 19, 20; application of, to Scotland, 90; construction of, with other enactments, 88; publication of provisions of, by local authority, 23.
- ACTS**, repeal of, 32, 50, 75, 89, 99.
- AGENT** or workman may be liable for illegal employment of child, 74.
- AGRICULTURAL CHILDREN ACT**, repeal of, 89, 99.
- APPLICATION** for School Board, regulations as to, 53, 134.
- APPOINTMENT OF LOCAL COMMITTEES** by School Attendance Committee, 64, 96, 97.
- APPOINTMENT OF OFFICERS** by School Attendance Committees, 61, 63, 68, 69. See also Regulations of Local Government Board.
- ATTENDANCE OFFICERS**. See School Attendance Officers.
- ATTENDANCE ORDER**. See School Attendance Order.
- AUDIT OF ACCOUNTS** as to expenses of School Attendance Committee in urban sanitary district, 66; as to school fees of non-pauper children, 150, 156, 157.
- BIRTHS**, duty of registrar as to furnishing certificates and returns of, 57—59, 143; fee for certificate of birth, 143.
- BOROUGH**, definition of, 24. See also Council of Borough.
- BORROWING** by School Boards. See Loans.
- BYELAWS—AS TO SCHOOL ATTENDANCE**—in borough not under jurisdiction of School Board, School Attendance Committee may make, 52.
- in parish, not under jurisdiction of School Board, School Attendance Committee to make, on requisition of parish, but not otherwise, 52; mode in which requisition for, may be made by parish, 53; requisition for, may be accompanied by representation as to nature of byelaws desired by parish, 53.
- of School Attendance Committee not to provide for the remission or payment of school fees, 54.
- duty of local authority to enforce, 54; appointment and payment of officers to act in execution of, 61, 63, 164; proceedings for en-

*Byelaws—*

enforcement of, to be authorised by two members of local authority, 73; local committees not to make, or take proceedings for enforcement of, 64; proceedings for penalties under, 71.

saving of, 66, 70, 88.

employment of children attending school under, 21.

form of, issued by Education Department, 130.

**CASUAL VACANCIES** in School Boards—mode of filling up, 84, 98.

**CERTIFICATES OF BIRTH** for purposes of Act, 57, 58, 123, 143.

**CERTIFICATES OF PROFICIENCY** or previous due attendance at school—regulations as to, 56, 57, 91—93, 123, 124; standards for certificates for purpose of employment, 91; for purpose of payment of fees, 93; payment by Education Department from parliamentary grant of fees of children with, 49, 128; employment of children under, 21.

**CERTIFICATES**, forgery of, 71, 74.

**CERTIFIED EFFICIENT SCHOOLS**, definition of, 44, 86, 87; rules of Education Department as to, 113—121

**CERTIFIED DAY INDUSTRIAL SCHOOLS**, definition of, 43, 44, 171; Order in Council as to, 170; grant of certificate by Secretary of State, 43, 44, 172, 173; withdrawal or resignation of certificate, 46, 47, 199, 200.

Order in Council applying provisions of Industrial Schools Acts to, with modifications, 45, 46, 170.

powers of School Boards and prison authorities as to establishing or contributing to cost of, 44, 47, 173—179.

consent of Secretary of State required for provision of, by School Board, and borrowing for, 42, 43, 179.

classes of children who may be sent to, 180.

duty of local authority as to applications for orders for sending children to, 39, 40, 184.

children sent to, under Attendance Order, 45, 181, 188.

children attending without order of court, 45, 183; under license of managers of school, 184, 185, 190.

when children may be sent to, on non-compliance with school attendance order, 86—88, 182, 205.

children may be sent to, under Industrial Schools Acts, instead of to certified industrial school, 44.

hours during which children to be detained in, 44, 187.

*Certified Day Industrial Schools—*

children may be received into, on request of local authority and parent without order, if parent undertakes to pay certain sum, 45, 183, 184, 190,

discharge or transfer of children detained in, 201.

contributions by parent towards cost of maintenance and training of child in, 38, 39, 44, 45; grant of relief to parent by guardians for contributions to, 45.

inspections of, 172, 173.

parliamentary grant for children sent to, 44, 209; for children received into, on request of parent and local authority, 45; conditions of grant to and examination of children in, 48, 190, 209. to be deemed certified efficient school, 44.

forms of orders for sending children to, and mode in which children may be sent prescribed by Secretary of State, 46, 205.

See also Order in Council.

**CERTIFIED INDUSTRIAL SCHOOL**, definition of, 38.

classes of children who may be sent to, under Industrial Schools Acts, 40, 41; children who under Industrial Schools Acts may be sent to, may be sent to certified day industrial school, 44.

duty of local authority as regards applying for orders for sending children to, 39, 40.

when children may be sent to, on non-compliance with school attendance order, 36—38.

consent of Secretary of State required for provision of and borrowing for, by School Board, 42 43.

contributions by parents to cost of maintenance of child in, 37—39. powers as to order providing that child liable to be sent to certified reformatory school, may be sent to, 46.

license for child sent to, to live out of school, 41.

**CHILDREN**, definition of, 86; declaration of duty of parents as to education of, 20.

restrictions as to employment of, 20—22; exceptions to restrictions, 21, 30, 31, 89.

employment and education of, in factories and workshops, 21, 28, 29, 101.

when to be deemed to be employed by parents, 86.

penalty for illegal employment of, 22. See also Employment of Children.

when an order of justices for attendance of, at school, may be

*Children—*

obtained, 34, 35; reasonable excuses for non-compliance with order, 34, 35; penalty on non-compliance without reasonable excuse, 37; complaints on continuing non-compliance, 37; when may be sent to industrial school on account of order not being complied with, 37, 38. See also Byelaws.

classes of, who may be sent to industrial schools under Industrial Schools Acts, 40, 41; when liable to be sent to certified industrial school, may be sent to a certified day industrial school, 44; contributions by parents for, when sent to industrial school, 38, 39, 44, 45; may be received into certified day industrial school on request of parent and local authority without order, 45. See also order in Council and School Fees.

CLERK TO THE GUARDIANS to be clerk to School Attendance Committee of union, 68; duties of as clerk to Committee, 166, 167, 168; duties of as to school fees of non-pauper children, 149, 150.

CODE OF EDUCATION DEPARTMENT, standards prescribed by, 141.

COMMENCEMENT OF ACT, 19, 20.

CONSCIENCE CLAUSE, 26, 27; infraction of, in public elementary school, 23.

CONTRIBUTIONS BY PARENT to cost of maintenance and training of child in industrial school, 37—39; in certified day industrial schools, 38, 39, 44, 45; when relief to be given by guardians for payment of, 44, 45.

CONTRIBUTIONS FROM PARLIAMENTARY GRANT. See Parliamentary Grant.

COUNCIL OF BOROUGH, appointment by, of School Attendance Committee, 22, 23, 96, 97; alteration by, of number of members of committee, 64.

School Attendance Committee appointed by, constituted "local authority," 23.

consent of, to incurring of expense and employment of officers by School Attendance Committee, 63.

See also Local Authority.

COURT OF SUMMARY JURISDICTION, definition of, 73.

may make order for attendance of child at school, 34, 35; may on non-compliance with order impose penalty or send child to industrial school, 36, 37; may order parent to contribute to maintenance of child in certified day industrial school, 45; may send to certified day industrial school children liable to be

*Court of Summary Jurisdiction—*

sent to certified industrial school, 44. See also Order in Council as to Certified Day Industrial Schools.  
proceedings before, 71—73.

**DAY INDUSTRIAL SCHOOL**, definition of, 43, 44; may be certified by Secretary of State, 43, 44; certificate of, may be withdrawn, 46, 47. See also Certified Day Industrial School and Order in Council.

**DEATHS**, duty of registrar as to furnishing local authority with returns of, 58, 59.

**DEFAULT OF LOCAL AUTHORITY**, powers of Education Department on, 59, 60.

**DEFINITIONS**, 86, 87; borough, 24; child, 86; certified efficient school, 44, 86, 87; Factory Acts, 87; local authority, 23, 65, 66; parent, 20; public elementary school, 26, 27.

**DISSOLUTION OF SCHOOL BOARD**, 80—82.

**DUTIES of School Boards and School Attendance Committees as local authorities.** See Local Authority.

**DUTY OF PARENT** to educate child, declaration as to, 20.

**EDUCATION DEPARTMENT**, local authority to report to, infraction of conscience clause in public elementary school, 23; to furnish returns to, 84; to send to, copy of notice as to exception to prohibition of employment of children for operations of husbandry and in-gathering of crops, 31.

consent of, not required to provision of and borrowing for industrial schools by School Boards, 42, 43.

to approve of byelaws as to attendance of children at school, 53, 55; form of byelaws issued by, 130.

may vary regulations as to certificates of proficiency and previous due attendance at school, 57, 123.

payment of school fees by, 49, 56, 57, 93, 128.

powers of, in case of local authority failing to fulfil duty, 59, 60.

may authorise urban sanitary authority to appoint School Attendance Committee, or persons to act with committee appointed by guardians, 65—67.

regulations of, as to application for School Boards, 53, 134. See also Regulations of Education Department.

code of, prescribing standards of examination, 141.

*Education Department—*

may dissolve School Board, 80—82.

authentication of orders of, 85; time after which orders of, cannot be questioned, 86.

See also Parliamentary Grant.

**ELECTIONS FOR CASUAL VACANCIES** in School Boards, 84, 85, 98.

**EMPLOYMENT OF CHILDREN**, general restrictions as to, 20—22; temporary modification, 89; exceptions to restrictions, when certificate of proficiency or previous due attendance at school has been obtained, 21; when child is employed, and attending school under Factory Acts or byelaws, 21; when no public elementary school open within certain distance from residence of child, 30; when employment is during school holidays, or when school is not open, or otherwise, when instruction of child not interfered with, 30; when prohibition is suspended by local authority for operations of husbandry and ingathering of crops, 30, 31.

saving for children employed at passing of Act, 89.

when child is to be deemed to be employed by parent, 86.

in factories and workshops, 21, 28, 29, 101.

provisions in previous Acts as to, not derogated from by this Act, 88.

penalty for illegal, 22; enforcement of provisions as to, 22, 23; in factories, workshops, and mines, 23; order for entry on premises, when child believed to be illegally employed, 62.

proceedings when agent or workman has illegally employed child 74; when child has been employed on false representation of parent, 74; exemption from, when employer has acted in good faith, 74.

**EX-OFFICIO GUARDIANS**, to be elected members of School Attendance Committee in unions, 23.

**EXPENSES** of School Attendance Committee appointed by councils and guardians, and mode of raising amount, 63, 69, 87, 88, 167, 168, 169. of School Attendance Committee appointed by urban sanitary authority, and mode of raising amount, 66.

of School Attendance Committee appointed by Education Department on default of local authority, 60.

mode of charging fees paid by guardians for children of non-paupers, 70. See also Regulations of Local Government Board.

school fees of children of out-door paupers, 75, 76.

mode of charging relief given to parents for payment of contribu-



*Expenses—*

- tion ordered in respect of child in certified day industrial school, 45.
  - incurred with reference to resolution of parish for byelaws, 53.
  - of returns of births and deaths, 59.
  - of publication of notices by officers of guardians, 69.
  - contribution from part of parish for, 87, 88.
- EXTENT of Act, 19.

- FACTORIES, exemption from restrictions as to employment of children in, when employed and attending school under Factory Acts, 21.
- extension of provisions of Factory Acts, 1844 and 1874, as to employment and education of children in, 28, 29, 101.
  - enforcement of provisions when children employed in, 23.

FACTORY ACTS, definition of, 87.

- 1844, 1874, extension of provisions of, as to employment and education of children, 28, 29, 101.

FEES. See School Fees.

FORGERY of certificates, 71, 74.

GUARDIANS, appointment of School Attendance Committee by, 22, 23, 96, 97; School Attendance Committee appointed by, constituted "local authority," 23.

- alteration of number of members of School Attendance Committee by, 64.

- consent of, to incurring expense and employment of officers by School Attendance Committee, 63, 167, 168, 169.

- to give relief to parent when necessary to enable him to pay amount ordered for cost of child in a certified day industrial school, 45; mode of charging relief so given, 45.

- to give relief necessary for attendance at school of out-door pauper children, 75, 76.

- payment by, of school fees for children of poor parents, not paupers, 31, 32, 145—162.

- may pay expense of publication of notices, 69.

- mode of charging school fees for non-paupers, 70, 142—154.

- may obtain contribution from part of parish, 87, 88.

See also Expenses.

HUSBANDRY, operations of, exception to prohibition of employment for, 30, 31.

- INDUSTRIAL School.** See Certified Industrial School.
- INGATHERING OF CROPS**, exception to prohibition of employment of children for, 30, 31.
- INQUIRY OFFICERS**, appointment of, by School Attendance Committees of Unions, 146; qualification tenure of office and remuneration of, 146, 147. See also Regulations of Local Government Board.
- INSPECTORS** appointed by Secretary of State to enforce provisions as to employment of children in factories, workshops, and mines, 23; of certified day industrial schools, 172, 173, 190.
- JUSTICE** may make an order for entry on premises when child believed to be illegally employed, 62.
- JUSTICES**, orders by. See Court of Summary Jurisdiction.
- LEGAL PROCEEDINGS**, provisions as to, 71—75, 88.
- LICENSE** for child sent to certified industrial school to live out of school, 41. See also Order in Council.
- LOANS** to School Boards for industrial schools, 42, 43; for offices 83, 84.
- LOCAL AUTHORITY**, School Board constituted, 23; School Attendance Committee appointed by council of borough constituted, 23; School Attendance Committee appointed by guardians constituted, 23; School Attendance Committee appointed by urban sanitary authority constituted, 65—67.
- duty of, to publish provisions of Act, 23; to enforce provisions as to employment of children, 22, 23; to assist inspectors appointed by Secretary of State in enforcing Act in case of children employed in factories, workshops, and mines, 23; to report to Education Department infraction of conscience clause in public elementary schools, 23; to furnish returns to Education Department, 84.
- may suspend restrictions as to employment of children, for operations of husbandry and ingathering of crops, 30, 31; limitation of period of suspension, 30, 31; issue of notice by, as to suspension, 30, 31; copies of notice to be furnished to Education Department and to overseers, 31; copies of notice to be affixed on church and chapel doors, and may be advertised, 31.
- duty of, in certain cases to apply for an order directing attendance of child at school, 34, 35. See also School Attendance Orders.

*Local Authority—*

duty of, as to application for order for sending child to an industrial school, 39, 40; classes of children who may be sent to an industrial school, 36, 37, 40, 41, 43—47.

duty of, as to obtaining and enforcing order for contribution by parent to cost of child sent to certified day industrial school, 45; to apply sums received under order in aid of their expenses, 45.

at request of, and of parent, child may be received into certified day industrial school, when parent undertakes to pay certain sum, 45.

powers of, to make byelaws for school attendance, 52—54; duty of, to enforce, 54.

may obtain from registrars returns of births and deaths, 58.

appointment and payment of officers by, 61, 63, 164, 165.

officer of, may obtain order for entry on premises when child believed to be illegally employed, 63; proceedings for non-attendance at school to be authorised by two members, 73.

expenses of School Board as, 62.

expenses of School Attendance Committee as, 63. See also Expenses.

powers of Education Department in case of failure of, to fulfil duty, 59, 60.

**LOCAL COMMITTEES**, appointment of, by School Attendance Committee, 64, 65, 96; rules as to, 96—98; continuance in office of, 96; regulation of proceedings of, 96, 97; casual vacancies in, 98.

not to make byelaws or take proceedings before a court, 64.

**LOCAL GOVERNMENT BOARD**, when consent of, to appointment of officers required, 63; may make regulations as to the discharge of duties of guardians and officers under the Act, 69, 145; may make regulations as to the officers and expenses of School Attendance Committees, appointed by guardians, 69, 163; to prescribe fee to registrars for certificates of birth, 57, 58, 143; to prescribe form for returns to local authority of births and deaths, 58, 143. See also Regulations of Local Government Board.

**METROPOLITAN COMMON POOR FUND**, school fees paid by guardians for children of out-door paupers in metropolis to be a charge on, 76.

**MINES**, enforcement of provisions as to employment of children in, 23.

**OFFICER**, employment and payment of, by local authority, 61, 63, 164.

*Officer—*

of local authority may obtain order for entry on premises where child believed to be illegally employed, 62.

authority required by, for commencing proceedings for non-attendance at school

OFFICES, provision of, by School Board, and loans for, 83, 84.

ORDERS OF EDUCATION DEPARTMENT, authentication of, 85; time after which, cannot be questioned, 86,

See also Regulations of Education Department.

ORDER IN COUNCIL as to certified day industrial schools, 45, 46, 170—208.

definition of certified day industrial school, 171.

inspection of, 172, 173, 190.

mode of certifying school, 173.

certificates of schools, 172, 173, 199, 200, 201.

alterations, &c., of buildings to be approved by Secretary of State, 173.

powers of prison authority and School Boards as to schools, 173—179.

classes of children who may be sent to, 180—185; children under attendance order, 181; under order of detention for non-compliance with attendance order, 182; children attending without order of court, 183, 190; children attending in pursuance of license from managers, 184; duty of local authority as to taking proceedings for sending children to, 184; provisions as to orders of detention, 185; hours during which child may be detained under order of detention, 186; form of order sending child to school, 186, 206; order to be warrant of detention, 187; provisions as to attendance orders, 188, 189; rules and management of school, 190—195; parliamentary grant to, 190—194, 209; evidence of reception of child in, 196; evidence of order of detention or attendance order, 196; penalty for child under detention order not attending school or not conforming to rules, 197; penalty for preventing child from attending school in accordance with order of detention, 197; discharge of children from school, 198, 201; transfer of children in school, 198, 201; withdrawal, &c., of certificate of school, 199, 200, 201, 208; cesser of reception of children on notice, 201; use of forms, 202, 205—208.

as to payment from parliamentary grant of school fees of children with certificates, 49.

- OUT-DOOR PAUPER CHILDREN**, education of, a condition of relief, 75, 76.
- OVERSEERS**, to be furnished with copies of notice as to exception to prohibition of employment of children, for operations of husbandry and ingathering of crops, and to cause same to be affixed to church and chapel doors, 30, 31; when to be deemed overseers of part of parish for levy of rate, 87, 88.
- PARENT**, definition of, 20; declaration of duty as to education of child, 20.  
penalties for non-compliance with school attendance order, 36, 37.  
See also School Attendance Order.  
contributions by, to cost of maintenance and training of child in industrial school, 38, 39.  
orders on, for contribution towards cost of child in day industrial school, 44, 45.  
relief to be granted to, by guardians when necessary to enable parent to pay contribution, 45.  
payment of school fees for children of non-pauper, 31, 32, 70, 145—162; for children of pauper, 75, 76.  
offence of making false representation as to age of child in order that he may be employed, 74. See also Employment of Children.
- PARISH**, requisition of, for byelaws, 52; representation of, as to nature of byelaws, desired, 53.  
resolution of, for dissolution of School Board, 80—82.
- PARISH, PART OF**, when to be deemed a parish, 87, 88; levying rate by overseers in, 87, 88.
- PARLIAMENTARY GRANT**—modification of conditions of annual grant to elementary schools, 50, 51; special grants to schools in districts with small population, 50, 51.  
for children sent to certified day industrial school, 44, 209; for children received into certified day industrial school on request of parents, 45, 209; conditions of, 48.  
school attendances for purpose of, 51.  
payment by Education Department from, of fees of children with certificates of proficiency, and of due attendance at school, 49, 56, 57, 93, 128.
- PENALTIES**, for employment of children in contravention of Act, 22; agent or workman liable to, for illegal employment of child,

***Penalties—***

74; parent making false representation as to age of child in order that he may be employed, liable to, 74.

for non-compliance with order directing attendance of child at school, 36, 37; fraudulently obtaining remission or payment of school fees, 71; refusing admission to, or obstructing officer authorized to enter place where child believed to be illegally employed, 62.

provisions of Education Act, 1873, made applicable to proceedings for recovery of, 71; limitation of proceedings for recovery of, 73.

proceedings for, may be taken under this Act or byelaw, or other enactment, 88.

**PRISON AUTHORITY**, powers of, with regard to establishing and contributing to cost of certified day industrial school, 44, 47, 173.

**PUBLIC ELEMENTARY SCHOOL**, definition of, 26, 27; infraction of conscience clause in, 23; order of justices for attendance of child at, 34.

payment of school fees in, for children of poor parents, not paupers, 31, 32, 70, 145—162; of pauper children, 75, 76.

**PUBLIC WORKS LOANS BOARD** may make advances to School Boards for industrial schools, 42, 43; for offices, 83, 84.

**PUBLICATION** of provisions of Act by local authority, 23.

of notice as to exception to prohibition of employment of children, for operations of husbandry and ingathering of crops, 81.

of notices by officers of guardians, expenses of, 69.

**REASONABLE EXCUSES** for non-compliance with school attendance order, 34, 35.

**REGISTRARS OF BIRTHS AND DEATHS** to furnish certificates of births, 57, 58, 143, 144; to furnish returns to local authority of births and deaths, 58, 59.

**REGULATIONS OF EDUCATION DEPARTMENT** as to certified efficient schools, 113—121; applications for certificates for, 115; preliminary conditions of certificates for, 115; standards of instruction in, 116; school, admission and attendance registers in, 118; general conditions as to certificates of, 120; cancellation or suspension of certificates, 120.

as to certificates of age, 122, 123, 127; certificates of school atten-

*Regulations of Education Department—*

dances, 123, 127; certificates of proficiency, 124, 127; honour certificates, 128; child's school book, 122, 126,

as o standards of examination, 141.

as to resolutions for applications by parish for byelaws, 53, 134.

**REGULATIONS OF LOCAL GOVERNMENT BOARD AS TO—**form of requisition for copy of entry in birth register, 143, 144; fee payable for certified copy of entry, 143.

school fees of non-pauper children, 145—162; proceedings of guardians as to, 146, 147, 148, 149; appointment of persons as inquiry officers to inquire into applications for payment of, 146; qualification, remuneration, and tenure of office of inquiry officers, 146, 147; duties of inquiry officers, 147, 148, 149, 150; appointment of temporary substitute for 147; payment of school fees by inquiry officers, 148, 149; school fees application and report book, 148, 149, 150, 152; school fees order book, 149, 150, 154; school fees receipt and payment account, 149, 150, 155; examination of accounts as to school fees by clerk to guardians, 149, 150; audit of accounts as to 150, 156, 157.

School Attendance Committees appointed by guardians, 163—169; meetings of, 163; appointment of school attendance officers by, 164, 165; qualification, tenure of office, and remuneration of, 164, 165, 166; duties of school attendance officers, 166, 167; appointment of temporary substitute for school attendance officer, 164, 165; duties of clerk to School Attendance Committee, 166, 167; duties of school attendance officer, 167; receipts and expenses of School Attendance Committee, 167, 168, 169.

**RELIEF** to out-door paupers, conditional on education of children, 75, 76.

**REPEAL** of Acts, 32, 50, 75, 89, 99.

**REQUISITION** by parish for byelaws, 52; for dissolution of School Board, 80, 82.

**RETURNS** to be furnished by local authority to Education Department, 84.

**RETURNS OF BIRTHS AND DEATHS**, duty of registrar as to furnishing, to local authority, 58, 59, 143, 144.

**SCHOOL ATTENDANCE COMMITTEE**, appointment of, by council of borough, 22; appointment of, by guardians, 22, 23, 96; appointment

*School Attendance Committee—*

of, by urban sanitary authority, 65—67; appointment by urban sanitary authority of members to act with guardians as, 66, 67; appointment of, by Education Department on default of local authority, 59, 60.

constituted local authority, 23, 65—67.

alteration in number of members of, 64; regulations as to proceedings of, 96—98, 163; filling up casual vacancies in, 98; tenure of office of, 98.

appointed by council, expenses of, 63; appointed by urban sanitary authority, expenses of, 66; appointed by guardians, meetings of, 163; appointment of officers by, 164—166; duties of clerk to guardians as clerk to, 166, 167; receipts and expenses of, 63, 69, 167, 168, 169; extent of jurisdiction of, 64 appointment by, of local committees, 64, 65, 98.

powers and duties of. See Local Authority.

effect of election of School Board as regards, 67, 70.

**SCHOOL ATTENDANCE OFFICER**, appointment of, by School Attendance Committee of union, 164, 165; qualification, tenure of office, and remuneration of, 164, 165, 166; duties of, 167, 168.

**SCHOOL ATTENDANCE ORDER**, when order requiring attendance of child at school to be applied for by local authority, 34; when order may be made, 34, 35; reasonable excuses for non-compliance with order, 34, 35; penalty on non-compliance without reasonable excuse, 37; Complaints on continuing non-compliance, 37; when child may be sent to industrial school on account of order not being complied with, 37, 38. See also Order in Council.

**SCHOOL ATTENDANCES** for purpose of parliamentary grant, 51; for purpose of employment, 91, 92; for payment of fees, 93, 94.

**SCHOOL BOARD**, constituted local authority, 23.

not empowered to pay school fees for children of poor parents, 32; remission of fees by, in School Board Schools, 32.

provision of certified industrial school, and certified day industrial school by, 42, 43; borrowing powers of, for industrial schools, 42, 43. See also Order in Council.

powers of Education Department in case of failure of, to fulfil duty under Act, 59, 60; powers and expenses of, under this Act to be deemed powers and expenses under Education Act, 1870, 62.



*School Board—*

provision of offices by, 83, 84.

proceedings for non-attendance at school to be authorised by two members of, 73.

casual vacancies, mode of filling up, 84, 85, 98.

effect of election of, as regards School Attendance Committee, 67, 70.

dissolution of, 80—82.

regulations as to application for, 53, 134.

**SCHOOL FEES**, payment of by Education Department from parliamentary grant in case of children possessing certificates, 49, 56, 57, 93, 128.

byelaws made by School Attendance Committee not to provide for remission or payment of school fees, 54.

payment of by guardians for children of poor parents, not paupers, 31, 32, 70, 145—162.

payment of by guardians for out-door pauper children, 75, 76.

paid by guardians for children of non-paupers, mode of charging, 70.

offence of fraudulently obtaining, remission or payment of, 71.

**SCHOOL FEES APPLICATION AND REPORT BOOK**, 148, 149, 150, 152, 153.

**SCHOOL FEES ORDER BOOK**, 149, 150, 154.

**SCHOOL FEES RECEIPT AND PAYMENT ACCOUNT**, 149, 150, 155.

**SCOTLAND**, application of Act to, 19, 90.

**SECRETARY OF STATE**, definition of term, 87.

certifying by, of day industrial school, 43, 44; may withdraw certificate, 46, 47. See also Order in Council.

consent of, required to provision of and loans for industrial schools by School Boards, 42, 43; to approve of the rules of certified day industrial school, and hours of detention in the school, 44; to prescribe or recommend the conditions on which parliamentary grants are to be made to certified day industrial schools, 44, 48, 209; to fix sum to be paid by parents when children are received into certified day industrial school without order of court, 45; to make orders prescribing forms for sending children to day industrial school, and mode in which they are to be sent, 46.

**STANDARDS** of examination, code of Education Department prescribing, 141.

**URBAN SANITARY AUTHORITY**, appointment of School Attendance Committee by, 65—67; appointment of members to act with guardians as School Attendance Committee of union, 66, 67.

**WORKSHOPS**, extension of provisions of Factory Acts, 1844 and 1874, to employment and education of children in, 28, 29, 101, enforcement of provisions when children employed in, 23,



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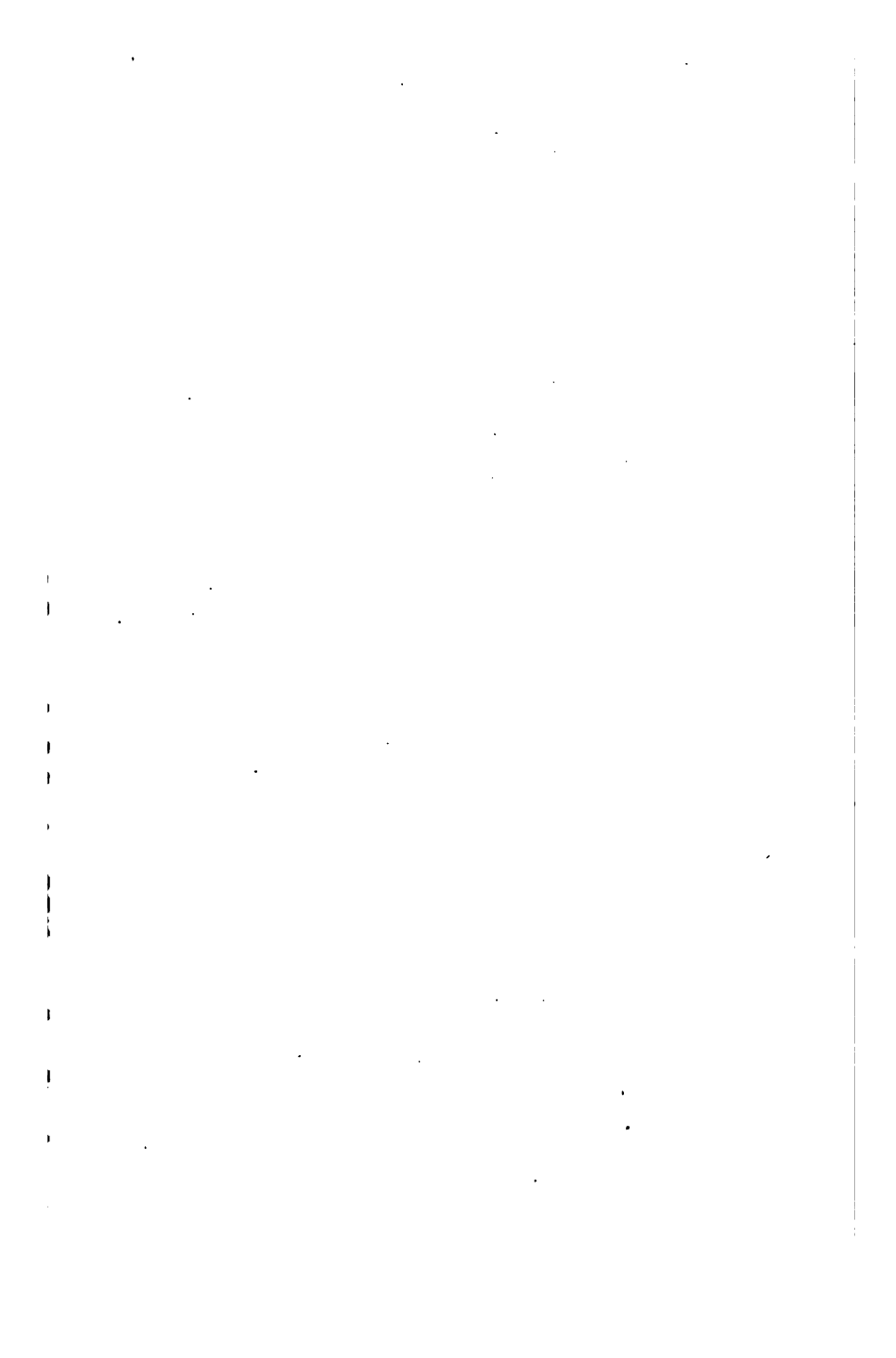


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# INDEX.

	PAGE
Account Books for School Attendance Committees ... ..	3
Ditto for School Boards ... ..	9
Applications for School Boards ... ..	8
Attendance Officers ... ..	7
Ballot Boxes, &c. ... ..	17
Bye-Laws ... ..	4-8
Census Books ... ..	14-15
Elections of School Boards ... ..	16
Form Cases ... ..	24
Inquiry Officers ... ..	7-8
Legal Forms ... ..	11-12
Miscellaneous Forms ... ..	4-7
Official Boxes ... ..	23
Official Publications ... ..	18
Official Stationery... ..	21
Orders of Local Government Board ... ..	3-7
Owen's Editions of the Education Acts ... ..	19
Owen's Education Acts Manual ... ..	20
Pamphlets and Placards as to Employment and Education of Children ... ..	13
Regulations, Reports, New Code, &c., of Education Depart- ment ... ..	18
School Board Accounts, Exemplification of ... ..	19
School Fees, Payment of... ..	7
Seals ... ..	Cover
Stamping Instruments ... ..	17
Urban Authorities... ..	4





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| 14 <i>Notice from Clerks of School Attendance Committees and School Boards to School Managers, &amp;c., that Forms of Certificates, Child's School Books, &amp;c., can be obtained, with accompanying Form for Statement as to requirements for the year. (See Circular of May 15, 1877, and secs. 23 &amp; 24 of Regulations) .....</i> | 3            | 0  |
| 15 <i>Public Notice as to temporary Exemption from restrictions of Act for employment of Children in operations of husbandry, &amp;c. (39 &amp; 40 Vict., c. 79, s. 9).</i>  |              |    |
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| 22 <i>Teachers' Return.</i>  |              |    |
| 23 <i>Instructions as to filling up ditto.</i>   |              |    |
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- 10 Complaint.
- 11 Summons.
- 12 Attendance Order.

*Non-compliance with Attendance Order.* (Sec. 12).

- 13 Complaint.
- 14 Summons.
- 15 Conviction.

16 *Licence to Child to Live Out of Industrial School.* (Sec. 14.*Entry on Premises to ascertain as to Employment of Child.* (Sec. 29.)

- 17 Complaint for purpose of obtaining Order for Entry.
- 18 Order for Entry.

*Refusal of Admission or Obstruction.* (Sec. 29).

- 19 Complaint.
- 20 Summons.
- 21 Conviction.

*Forms under Order in Council as to Certified Day Industrial Schools.*

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- 23 Attendance Order.
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By Art. 8 of the Regulations of the Education Department of February 9, 1877, it is provided that in the month of January every year local authorities shall receive from the Managers of every Certified School a Teacher's List, giving the names, &c., of all children above five who have attended school during the preceding 12 months; and by Art. 9 local authorities are required to preserve these lists for ten years. By the use of the Census Register, the information in these annual lists may be readily tabulated for reference, for checking the certificates as provided by the last-named Article, and for easy reference in case of proceedings under Articles 9 and 10; thus obviating the inconvenience of searching through a number of loose sheets for any particular entry.

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\* The Local Government Board has approved of a Form of Return under sec. 26 of Education Act, 1876. (See page 6.)

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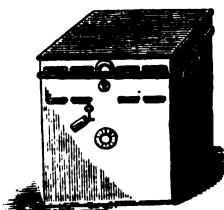
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20	" " <i>Parishes</i> ... ..	3	0
21	List of Tendered Votes ... .. per quire	3	0
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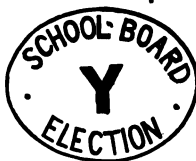


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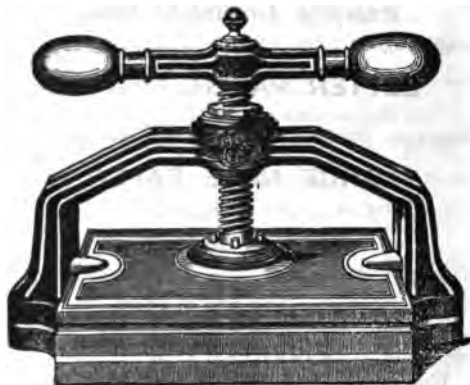
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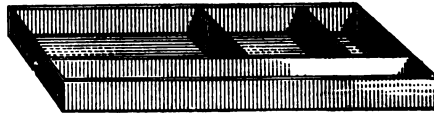
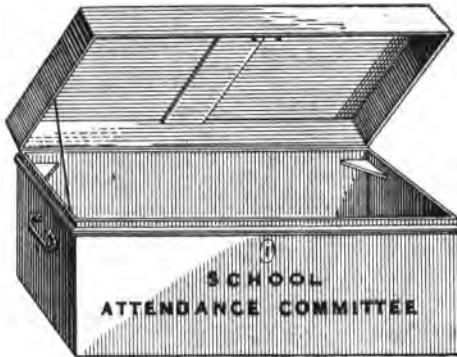
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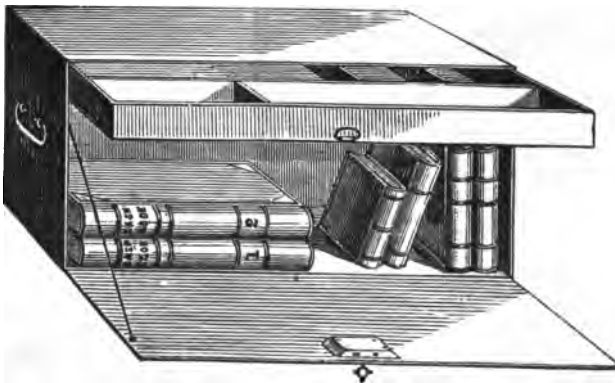
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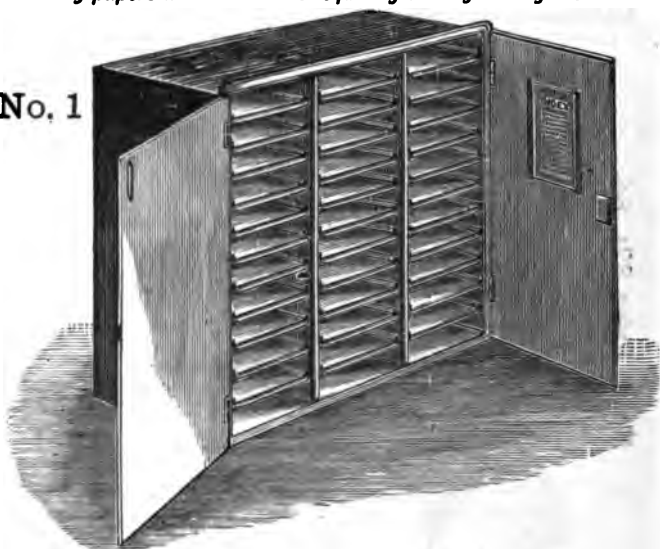
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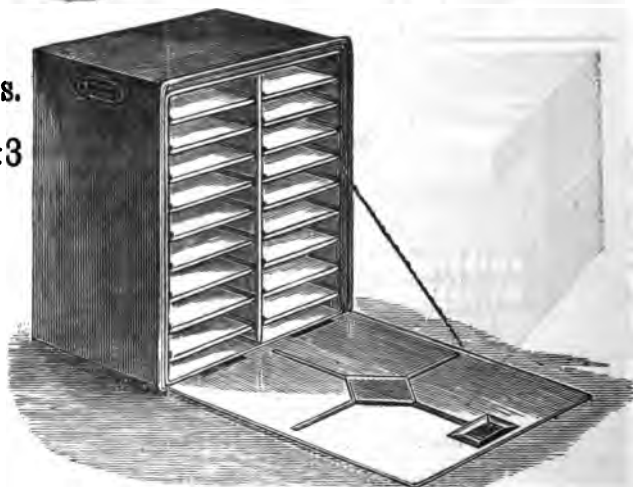
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Writing.	Copy in manuscript character a line of print, on slates or in copy-books, at choice of managers; and write from dictation a few common words.	A sentence from the same book, slowly read once, and then dictated. Copy - books (larger half-text) to be shown.	A sentence slowly dictated once from the same book. Copy-books to be shown (small hand, capital letters, and figures).	Eight lines slowly dictated once from a reading book. Copy - books to be shown (improved small hand).	Writing from memory the substance of a short story read out twice; spelling, grammar, and handwriting to be considered.	A short theme or letter; the composition, spelling, grammar, and handwriting to be considered.
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Writing.	A line from the same book, copied in large or half-text, on slates or in copy books, at option of managers.	(a) A short sentence of not more than 3 lines from the same book, dictated slowly word by word. (b) Writing large or half text; copy-books to be submitted.	(a) Five lines from the same book, dictated slowly by a few words at a time. (b) Fair small-hand, with capital letters, and figures, to be shown in copy-books.	(a) Eight lines dictated slowly from the same book. (b) Improved small-hand, to be shown in copy-books.	Writing from memory the substance of a short story or narrative read out twice by the Inspector; spelling, grammar, and handwriting to be considered.	A short letter on a subject to be prescribed by the Inspector. The form of composition, spelling, grammar and handwriting to be considered.
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